



St. Charles Parish

Meeting Agenda

Parish Council

Agenda

St. Charles Parish Courthouse
15045 Highway 18
P.O. Box 302
Hahnville, LA 70057
985-783-5000
scpcouncil@st-charles.la.us
<http://www.stcharlesparish-la.gov>

Council Chairman Billy Raymond, Sr.
Councilmembers Carolyn K. Schexnaydre, Terry Authement,
Shelley M. Tastet, Wendy Benedetto, Paul J. Hogan,
Larry Cochran, Marcus M. Lambert, Dennis Nuss

Monday, January 25, 2010	6:00 PM	Council Chambers, Courthouse
Final		

CALL TO ORDER

PRAYER

Pastor Curtis Stacey
River of Life Christian Fellowship, New Sarpy

PLEDGE

Pastor Curtis Stacey
River of Life Christian Fellowship, New Sarpy

APPROVAL OF MINUTES

Regular Meeting - December 21, 2009

SPECIAL BUSINESS (PROCLAMATIONS, CANVASS RETURNS, ETC.)

- 1 **2010-0038** (1/25/2010, Hogan)
 In Memoriam: Emelda LaGrange Cannon
- 2 **2010-0037** (1/25/2010, Cochran)
 In Recognition: Virginia V. Harris, 102nd Birthday
- 3 **2010-0034** (1/25/2010, Hogan)
 In Recognition: Lynette Bush, Zoning Board of Adjustment
- 3A **2010-0039** (1/25/2010, St. Pierre)
 Proclamation: "Wear Red Day for Women in St. Charles Parish"

REPORTS (FINANCE AND ADMINISTRATIVE ACTIVITIES)

- 2010-0033** (1/25/2010, St. Pierre, Department of Economic Development and Tourism)
Mr. Raymond Fryoux, Port of South Louisiana - Presentation of Economic Development Check to St. Charles Parish
- 2010-0035** (1/25/2010)
Information Technology
- 2010-0036** (1/25/2010, St. Pierre)
Parish President Remarks/Report

ORDINANCES/RESOLUTIONS INTRODUCED FOR PUBLICATION/PUBLIC HEARING

Monday, February 8, 2010, 6:00 pm, Council Chambers, Courthouse, Hahnville

(No items for the regular Agenda)

PLANNING AND ZONING PETITIONS

- 4 2010-0005** (1/11/2010, St. Pierre, Department of Planning & Zoning)
An ordinance approving and authorizing the establishment of a Home Occupation under the operation of Billy Butler - "Olympus Con" - a general contractor - at 200 North Bend, Montz.
- Legislative History
- | | | | |
|----------|---------------------------------|----------------------|---------------------|
| 10/21/09 | Department of Planning & Zoning | Received/Assigned PH | |
| 12/3/09 | Department of Planning & Zoning | Recommended Approval | Planning Commission |
| 12/3/09 | Planning Commission | Recommended Approval | Parish Council |
| 1/11/10 | Parish President | Introduced | |
| 1/11/10 | Parish Council | Publish/Scheduled PH | |
- 10 2010-0006** (1/11/2010, St. Pierre, Department of Planning & Zoning)
An ordinance to amend the Zoning Ordinance to change the zoning classification from R-1AM to R-2 at 464 and 470 Killona Drive, Killona, as requested by Frank & Shirline Johnson.
- Legislative History
- | | | | |
|---------|---------------------------------|----------------------|---------------------|
| 10/5/09 | Department of Planning & Zoning | Received/Assigned PH | |
| 12/3/09 | Department of Planning & Zoning | Recommended Approval | Planning Commission |
| 12/3/09 | Planning Commission | Recommended Approval | Parish Council |
| 1/11/10 | Parish President | Introduced | |
| 1/11/10 | Parish Council | Publish/Scheduled PH | |
- 17 2010-0025** (1/11/2010, St. Pierre, Department of Planning & Zoning)
An ordinance approving and authorizing the establishment of a Home Occupation under the operation of Michael McClain - "T&M Installation, LLC" - a heating and air conditioning contractor - at 303 Ormond Village Drive, Destrehan.
- Legislative History
- | | | | |
|---------|---------------------------------|----------------------|---------------------|
| 12/9/09 | Department of Planning & Zoning | Received/Assigned PH | |
| 1/7/10 | Department of Planning & Zoning | Recommended Approval | Planning Commission |

1/7/10	Planning Commission	Recommended Approval	Parish Council
1/11/10	Parish President	Introduced	
1/11/10	Parish Council	Publish/Scheduled PH	

ORDINANCES SCHEDULED FOR PUBLIC HEARING (INTRODUCED AT PREVIOUS MEETING)

23 2010-0007 (1/11/2010, St. Pierre, Department of Planning & Zoning)

An ordinance to revoke and abandon a 464.35-foot portion of an undeveloped right-of-way of Parsons Avenue in St. Rose extending north from Airline Drive in favor of the abutting property owner.

Legislative History

10/5/09	Department of Planning & Zoning	Received/Assigned PH	
12/3/09	Department of Planning & Zoning	Recommended Approval	Planning Commission
12/3/09	Planning Commission	Recommended Approval	Parish Council
1/11/10	Parish President	Introduced	
1/11/10	Parish Council	Publish/Scheduled PH	

36 2010-0008 (1/11/2010, St. Pierre, Department of Finance)

An ordinance adopting the St. Charles Parish Council Road and Bridges Capital Program Budget for fiscal year 2010 through 2012 in accordance with the Parish Transportation Act.

Legislative History

1/11/10	Parish President	Introduced	
1/11/10	Parish Council	Publish/Scheduled PH	

38 2010-0009 (1/11/2010, Hogan, Schexnaydre)

An ordinance to amend the Code of Ordinances by adding Section 2-24. Department of Planning and Zoning Commission Agenda (a) to Chapter 2 Administration, Article II. Departments.

Legislative History

1/11/10	Council Member(s)	Introduced	
1/11/10	Parish Council	Publish/Scheduled PH	

39 2010-0010 (1/11/2010, Schexnaydre, Hogan, Nuss)

An ordinance to amend the Code of Ordinances by adding Section 2-73. Consolidated Operating and Capital Budget to Chapter 2 Administration, Article IV. Finance, Div. 1. Generally.

Legislative History

1/11/10	Council Member(s)	Introduced	
1/11/10	Parish Council	Publish/Scheduled PH	

40 2010-0022 (1/11/2010, General Government Buildings)

An ordinance to approve and authorize the execution of a Contract with Zimmer - Eschette Service II, LLC for the 3rd Floor Prison Demolition at the St. Charles Parish Courthouse in Hahnville.

Legislative History

1/11/10	Parish President	Introduced	
1/11/10	Parish Council	Publish/Scheduled PH	

48 **2010-0023** (1/11/2010, Hogan)

An ordinance to amend Ordinance No. 09-12-6 which named an unnamed private road Ruby Lane to correct the address from 16271 Old Spanish Trail in Des Allemands to 16721 Old Spanish Trail in Des Allemands.

Legislative History

1/11/10	Council Member(s)	Introduced
1/11/10	Parish Council	Publish/Scheduled PH

49 **2010-0024** (1/11/2010, St. Pierre, Department of Planning & Zoning)

An ordinance to approve and authorize the execution of an Act of Donation by Landcraft, Inc. to St. Charles Parish for a certain parcel of property, identified as Lot 1AA, Highland Oaks Subdivision, Phase 3, in St. Rose.

Legislative History

1/11/10	Parish President	Introduced
1/11/10	Parish Council	Publish/Scheduled PH

PERSONS TO ADDRESS THE COUNCIL56 **2010-0026** (1/25/2010)

Mr. Dale Firmin: Tim Vial - Conflict of Interest, Falsifying Public Records

RESOLUTIONS58 **2010-0027** (1/25/2010, Schexnaydre, Authement, Raymond, Tastet, Benedetto, Hogan, Cochran, Lambert, Nuss)

A resolution authorizing the issuance of a Special License to West St. John High School Band Booster Club to conduct a Super Bingo.

Legislative History

1/25/10	Council Member(s)	Introduced
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60 **2010-0028** (1/25/2010, St. Pierre, Department of Wastewater)

A resolution notifying the Louisiana Department of Environmental Quality that the St. Charles Parish Department of Wastewater has reviewed the Municipal Water Pollution Prevention Environmental Audit Report for LA0073539 A139862 - Destrehan Wastewater Treatment Plant, and set forth the required action.

Legislative History

1/25/10	Parish President	Introduced
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78 **2010-0029** (1/25/2010, St. Pierre, Grants Office)

A resolution to approve and authorize the execution of a contract with the Louisiana Division of Administration for the FY 2009 - 2010 Local Government Assistance Program for funding in the amount of \$151,831.00 for the construction of an essential government building for the Department of Motor Vehicles.

Legislative History

1/25/10	Parish President	Introduced
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- | | | | |
|------|------------------|--|--|
| 89 | 2010-0030 | (1/25/2010, St. Pierre, Grants Office) | A resolution approving and authorizing the Parish President to submit a grant application for the Keep Louisiana Beautiful 2010 Community Grant Program. |
| | | <u>Legislative History:</u> | |
| | | 1/25/10 | Parish President Introduced |
| 90 | 2010-0031 | (1/25/2010, St. Pierre, Grants Office) | A resolution adopting the St. Charles Parish Community Development Block Grant (CDBG) - Disaster Recovery Procurement Policy as required in the utilization of CDBG - Disaster Recovery funding allocated to the Parish. |
| | | <u>Legislative History:</u> | |
| | | 1/25/10 | Parish President Introduced |
| 98 | 2010-0032 | (1/25/2010, St. Pierre, Grants Office) | A resolution adopting the St. Charles Parish Section 3 Plan for implementation in all Community Development Block Grant - Disaster Recovery Programs. |
| | | <u>Legislative History:</u> | |
| | | 1/25/10 | Parish President Introduced |
| 102A | 2010-0040 | (1/25/2010, Schexnaydre) | A resolution requesting the Parish President cease any and all activity with Plan Review and Inspection, LLC owned by Ray Davezac. |
| | | <u>Legislative History:</u> | |
| | | 1/25/10 | Council Member(s) Introduced |

APPOINTMENTS

- 103 2009-0415 (10/19/2009)

A resolution appointing a member to the Zoning Board of Adjustment as the District II Representative.

Council will confirm nomination from the District II Councilmember to fill the vacancy created by the expiration of the term of Mr. Brian Noto. Four (4) year term to begin December 7, 2009 and expire December 7, 2013.

Nominee: Ms. Leslie Cooper

Legislative History:

1/23/06	Parish Council	Enacted Legislation
<i>Mr. Brian Noto appointed to the Zoning Board of Adjustment on January 23, 2006, per Resolution No. 5320</i>		
<i>Term: December 7, 2005 - December 7, 2009</i>		
10/19/09	Parish Council	Vacancy Announced
11/2/09	Parish Council	Deferred
11/16/09	Parish Council	Deferred
12/7/09	Parish Council	Deferred
12/21/09	Parish Council	Deferred
1/11/10	Parish Council	Nomination(s) Accepted
<i>Nominee:</i>		
<i>Councilman Taster nominated Ms. Leslie Cooper</i>		
1/11/10	Parish Council	Close Nomination(s) for

Pass

2009-0444 (11/16/2009)

A resolution to appoint a member to the New Orleans Aviation Board - Noise Abatement Committee. Council Chairman will accept nominations to fill the vacancy created by the expiration of the term of Mr. James Cospolich. Two (2) year term to begin December 31, 2009 and expire December 31, 2011. [Deferred from the January 11, 2010 Parish Council Meeting]

Legislative History

12/17/07 Parish Council Enacted Legislation

Mr. James Cospolich appointed to the New Orleans Board Noise Abatement Committee on December 17, 2007, per Resolution No. 5494

Term: December 31, 2007 - December 31, 2009

11/16/09 Parish Council Vacancy Announced

12/7/09 Parish Council Deferred

12/21/09 Parish Council Deferred

1/11/10 Parish Council Deferred

MEETINGS, ANNOUNCEMENTS, NOTICES, ETC.**MEETINGS**

HOUSING AUTHORITY: Tuesday, 1/26/10, 6PM, Council Chambers

HOSPITAL BOARD: Wednesday, 1/27/10, 9AM, Council Chambers

CHILDREN & YOUTH PLANNING BOARD: Wednesday, 1/27/10, 1PM, Council Chambers

COASTAL ZONE ADVISORY BOARD: Thursday, 1/28/10, 7PM, Council Chambers

911 COMMUNICATIONS DISTRICT: Monday, 2/1/10, 5PM, Council Chambers

PLANNING & ZONING COMMISSION: Thursday, 2/4/10, 7PM, Council Chambers

ANNOUNCEMENTS

ST. CHARLES PARISH RECYCLING DROP OFF EVENT: Saturday, February 6, 2010, 9AM - 12Noon; Locations: Westbank - St. Charles Plaza, Highway 90, Luling; Eastbank - New Sarpy Annex, Highway 48, New Sarpy

Accommodations for Disabled

St. Charles Parish will upon request and with three (3) days advanced notice provide reasonable accommodation to any disabled individual wishing to attend the meeting. Anyone requiring reasonable accommodation is requested to contact the Office of the Council Secretary at (985) 783-5000 to discuss the particular accommodations needed.

The Parish of St. Charles

IN MEMORIAM



WHEREAS, on September 2, 2009, Almighty God, in His Infinite Wisdom, saw fit to call from amongst us one of His most worthy servants, **Emelda LaGrange Cannon**; and,

WHEREAS, **Emelda Cannon**, the daughter of the late **Menolia** and **Steven LaGrange, Sr.**, was a native of **Lucy, Louisiana** and a long time resident of **Hahnville, Louisiana**, in **St. Charles Parish**. She was the beloved wife of the late **Julius A. Cannon, Sr.**, and loving mother to her children **Tanya C. Harris**, **Anthony Cannon, Sr.**, **Julius Cannon, III.**, **Kadoma Cannon**, **Reginald Cannon, Sr.**, **RoShon Cannon**, and her two adoptive grandchildren, **Casey** and **Reginald Cannon, Jr.** She was a loving grandmother and great-grandmother to 14 grandchildren and 3 great-grandchildren; and,

WHEREAS, **Emelda Cannon** began working as a Custodian for the **St. Charles Parish Courthouse** on **April 21, 1986** and retired **January 31, 2004** after dedicating almost 18 years as a Public Servant; and,

WHEREAS, **Emelda Cannon** was known by her fellow workers as a friendly, compassionate, good person, and always willing to help others with a love of laughter; she will be deeply missed; and,

WHEREAS, on behalf of all citizens of **St. Charles Parish**, the **Parish Council** and the **Parish President** wish to posthumously honor **Emelda LaGrange Cannon** as a dedicated Public Servant of the **Parish of St. Charles**.


NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE **ST. CHARLES PARISH COUNCIL** AND THE **PARISH PRESIDENT**, duly assembled on this 25th day of **January, 2010**, do hereby express our sincere sympathy to the family of


Emelda LaGrange Cannon
April 28, 1942 – September 2, 2009

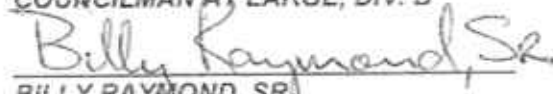
BE IT FURTHER RESOLVED, that a page in the Official Minute Book of the **St. Charles Parish Council** be set aside to record this Memoriam and when this Meeting is adjourned, it shall be done in memory of **EMELDA LAGRANGE CANNON**.


MAY SHE REST IN PEACE

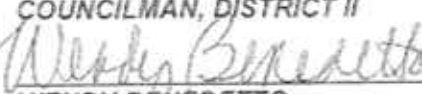
"PARISH OF SCENT"
created in 1807 from the county of the
"German Coast", a parish of
unprecedented economic and social
development, known for its
hospitality, rural living and sporting
opportunities... with the added
distinction of being located
on both sides of the
mighty Mississippi River.

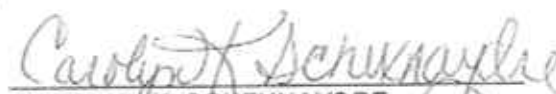

V.J. ST. PIERRE, JR.
PARISH PRESIDENT

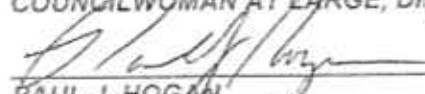

TERRY AUTHEMENT
COUNCILMAN AT LARGE, DIV. B



BILLY RAYMOND, SR.
COUNCILMAN, DISTRICT I

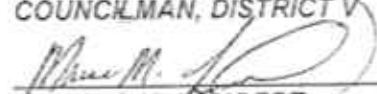

SHELLEY M. TASTET
COUNCILMAN, DISTRICT II

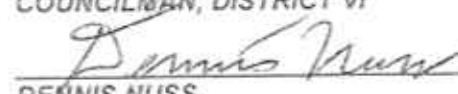

WENDY BENEDETTO
COUNCILWOMAN, DISTRICT III

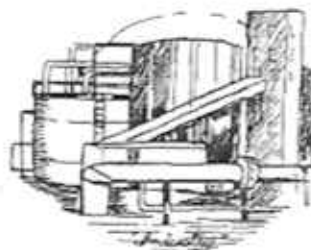

CAROLYN K. SCHEXNAYDRE
COUNCILWOMAN AT LARGE, DIV. A


PAUL J. HOGAN
COUNCILMAN, DISTRICT IV


LARRY COCHRAN
COUNCILMAN, DISTRICT V


MARCUS M. LAMBERT
COUNCILMAN, DISTRICT VI


DENNIS NUSS
COUNCILMAN, DISTRICT VII



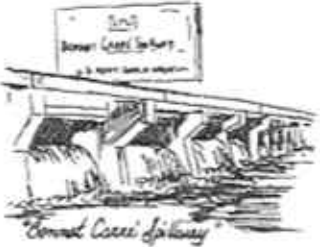
The Parish of St. Charles

January 25, 2010

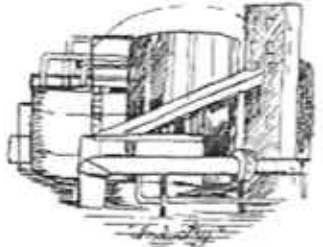
IN RECOGNITION



WHEREAS, Virginia Vinnett Harris was born and raised in St. Rose, Louisiana to the proud parents of the late Emile and Octavia Vinnett on January 28, 1908, and is currently residing in Destrehan; and,



WHEREAS, Virginia, on December 6, 1928, at the age of twenty, married the late Reverend Solomon Harris; and,



WHEREAS, Virginia and the late Reverend Harris were not blessed with any "biological" children; they helped rear many of their nieces and nephews; and,



WHEREAS, Virginia accepted Jesus as her Lord and Savior on March 27, 1941, and was baptized in the Mississippi River by the late Reverend Sanders Royal of the Fifth African Baptist Church; and,



WHEREAS, Virginia will celebrate her 102nd birthday on January 28, 2010, with family and friends.



NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL AND THE PARISH PRESIDENT, do hereby offer this tribute and recognition to



VIRGINIA VINNETT HARRIS

ON HER

102nd BIRTHDAY

"PARISH OF PLENTY"
created in 1807 from the county of the
"German Coast", a parish of
unprecedented economic and social
development, known for its
hospitality, rural living and sporting
opportunities... with the added
distinction of being located
on both sides of the
Mighty Mississippi River.

V.J. ST. PIERRE, JR.
PARISH PRESIDENT

TERRY AUTHEMENT
COUNCILMAN AT LARGE, DIV. B

BILLY RAYMOND, SR.
COUNCILMAN, DISTRICT I

SHELLEY M. TASTET
COUNCILMAN, DISTRICT II

WENDY BENEDETTO
COUNCILWOMAN, DISTRICT III

CAROLYN K. SCHEXNAYDRE
COUNCILWOMAN AT LARGE, DIV. A

PAUL J. HOGAN
COUNCILMAN, DISTRICT IV

LARRY COCHRAN
COUNCILMAN, DISTRICT V

MARCUS M. LAMBERT
COUNCILMAN, DISTRICT VI

DENNIS NUSS
COUNCILMAN, DISTRICT VII

The Parish of St. Charles

January 25, 2010


The St. Charles Parish Council
and the Parish President
Deeply Appreciate
Your Years of Service

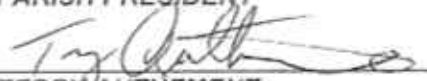
ZONING BOARD OF ADJUSTMENT

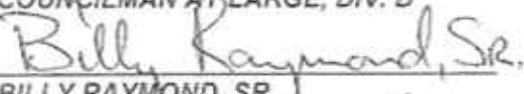
June 18, 2007 – December 7, 2009

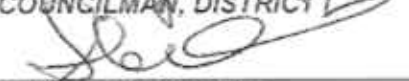
LYNETTE BUSH

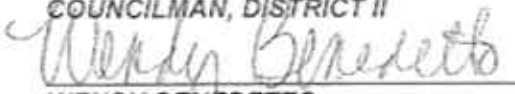
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V.J. ST. PIERRE, JR.
PARISH PRESIDENT

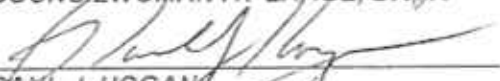

TERRY AUTHEMENT
COUNCILMAN AT LARGE, DIV. B

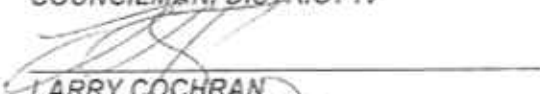

BILLY RAYMOND, SR.
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COUNCILMAN, DISTRICT II



WENDY BENEDETTO
COUNCILWOMAN, DISTRICT III

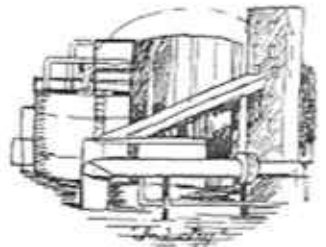
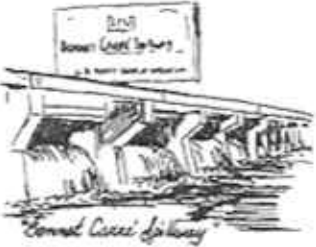

CAROLYN K. SCHEXNAYDRE
COUNCILWOMAN AT LARGE, DIV. A


PAUL J. HOGAN
COUNCILMAN, DISTRICT IV


LARRY COCHRAN
COUNCILMAN, DISTRICT V


MARCUS M. LAMBERT
COUNCILMAN, DISTRICT VI


DENNIS NUSS
COUNCILMAN, DISTRICT VII



2010-0039

PROCLAMATION

WHEREAS, diseases of the heart are the Nation's leading cause of death and stroke is the third leading cause of death; and,

WHEREAS, cardiovascular diseases (CVD) claim the lives of nearly 455,000 American females (about one death per minute) each year; and,

WHEREAS, each year, 53% of all cardiovascular disease deaths occur in females, as compared to 47% in men, and 61% of stroke deaths occur in females; and,

WHEREAS, in 2010, the estimated direct and indirect cost of cardiovascular diseases and strokes in the United States is estimated at \$503.2 billion; and,

WHEREAS, more women die of heart disease, stroke, and all other cardiovascular diseases than the next five leading causes of death combined, including all cancers; and,

WHEREAS, only 21% of women consider cardiovascular disease their greatest health risk; and,

WHEREAS, February is designated as American Heart Month; and,

WHEREAS, "Go Red For Women" is the American Heart Association's national call to increase awareness about heart disease - the leading cause of death for women - and to inspire women to take charge of their heart health; and,

WHEREAS, all women should learn their own personal risk for heart disease, using tools such as the American Heart Association's Go Red For Women Heart Check-Up and by talking to their healthcare provider; and,

WHEREAS, making the right choices relating to proper nutrition, physical activity, doctor visits, and other lifestyle methods is essential to living a heart healthy life.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL AND THE PARISH PRESIDENT, DO HEREBY DECLARE FRIDAY, FEBRUARY 5, 2010 AS:

"WEAR RED DAY FOR WOMEN IN ST. CHARLES PARISH"

IN RECOGNITION OF THE IMPORTANCE OF THE ONGOING FIGHT AGAINST HEART DISEASE AND STROKE AND URGE ALL CITIZENS TO SHOW THEIR SUPPORT FOR WOMEN AND THE FIGHT AGAINST HEART DISEASE BY COMMEMORATING THIS DAY BY THE WEARING OF THE COLOR RED. BY INCREASING AWARENESS AND EMPOWERING WOMEN TO REDUCE THEIR RISK FOR CARDIOVASCULAR DISEASE, WE CAN SAVE THOUSANDS OF LIVES EACH YEAR.

V.J. ST. PIERRE, JR.
PARISH PRESIDENT

CAROLYN K. SCHEXNAYDRE
COUNCILWOMAN AT LARGE, DIV. A

TERRY AUTHEMENT
COUNCILMAN AT LARGE, DIV. B

PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV

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COUNCILMAN, DISTRICT VI

WENDY BENEDETTO
COUNCILWOMAN, DISTRICT III

DENNIS NUSS
COUNCILMAN, DISTRICT VII

Wear Red Day 2010.pcl.docx

2010-0005

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(DEPARTMENT OF PLANNING & ZONING)**

ORDINANCE NO. _____

An ordinance approving and authorizing the establishment of a Home Occupation under the operation of Billy Butler – "Olympus Con" – a general contractor – at 200 North Bend, Montz.

WHEREAS, the St. Charles Parish Code of Ordinances, Appendix A, Section XXII states that the Parish Council must approve a home occupation requiring any state license or permit; and,

WHEREAS, the proposed home occupation of Billy Butler requires a license or registration with the Louisiana Licensing Board for Contractors.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the home occupation application by Billy Butler to operate "Olympus Con" – a general contractor – at 200 North Bend, Montz is hereby approved.

SECTION II. That the Department of Planning & Zoning is hereby authorized to grant Billy Butler a home occupation permit to have the office for a general contractor at 200 North Bend, Montz.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this _____ day of _____, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

RECOMMENDATIONS AT A GLANCE

PZHO-2009-15 requested by Billy Butler for special permission to operate "Olympus Con." – a home office for a general contracting company at 200 Northbend, Montz. Zoning District R-1A. Council District 6.

Planning Department Recommendation:

Approval

Planning Commission Recommendation:

Approval

Mr. Becnel: Third item, PZHO-2009-15 requested by Billy Butler for special permission to operate "Olympus Con." – a home office for a general contracting company at 200 Northbend, Montz. Zoning District R-1A. Council District 6. Ms. Stein.

Ms. Stein: Thank you Mr. Chair. Mr. Butler completed an application to use 200 North Bend, Montz as a home office for general contracting in October.

The request appears before the Commission because of the need for licensing by State Licensing Board for Contractors. If the cost of labor and materials for any job exceeds \$10,000, then a license by that agency is required.

Site inspection revealed no code violations, and no complaints or code violations are on file. The applicant has been advised that issuance of a Home Occupation permit does not negate restrictive covenants. The proposed business appears to meet the general parameters of the home occupation regulations, so we recommend approval.

Mr. Becnel: Thank you Ms. Stein. This is a public hearing for PZHO-2009-15. Anyone here to speak in favor of this application, please come forward.

Billy Butler, 200 North Bend. As you know I'm applying for an occupational license for Olympus Con. This is basically a subsidiary of another company I currently operate in St. John Parish. It's merely to keep the two separate. I've been advised of all the requirements of a home office and I plan to adhere to them with your approval.

Mr. Becnel: Thank you Mr. Butler. Your intent is merely for this to be a home office.

Mr. Butler: Yes sir. I have two offices in St. John Parish. This is strictly for office use.

Mr. Becnel: Thank you very much. Anyone else wishing to speak in favor, please come forward. Anyone to speak in opposition, please come forward. Seeing none, this public hearing is closed. Commission discussion? Mr. Dufrene.

Mr. Dufrene: Mr. Butler the only problem that I have is that it remains transparent and I've heard that is what you have offered up. Mr. Butler lives in my subdivision and it's also in my district and based on what I see about the way he conducts his business, I'm in favor of moving forward with this and I would appreciate your support on this. Thank you.

Mr. Becnel: Thank you Mr. Dufrene. Any other comment? The reason why we are asking that is because by the nature of a construction business, a lot of times they tell us that it might be transparent.

Mr. Butler: I understand.

Mr. Becnel: Thank you very much. Seeing no further comments, please cast your vote.

YEAS: Becnel, Dufrene, Clulee, Booth, Gibbs, Wolfe

NAYS: None

ABSENT: Foster

Mr. Becnel: That passes unanimously. Good luck Mr. Butler.

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: HO 2009-15

GENERAL APPLICATION INFORMATION

- ♦ **Name/Address of Applicant:** Application Date: 10/21/09
 Billy Butler
 200 North Bend
 Montz 70068
 985.287.02129 or 985.397.1048
 bbutler45@cox.net
- ♦ **Location of Site:**
 Same
- ♦ **Applicant's description of business:**
 Home office for general contracting company where billing and paper work are to be done
 Occasional storage of basic hand tools and one ½ ton pick up truck used for personal and
 company use. No customers or employees to visit home.

SITE – SPECIFIC INFORMATION

- ♦ **Existing Land Use and Zoning:**
 Single-family residence in an R-1A zoning district.
- ♦ **Surrounding Land Uses and Zoning:**
 To the north, east, and south, property is zoned R-1A and developed with single-family
 homes.
- ♦ **Traffic Access and parking:**
 Site is developed with a one car garage and a 100' long driveway that can stack as many as
 six cars.

APPLICABLE REGULATIONS

Regulations for Home Occupations: Appendix A. Section XXII

B. Permit Process:

1. **Pre-Application Orientation:** The Planning Director, or his designated staff, shall advise citizens of the regulations for home occupations such as appropriate activities for home occupations, operational regulations, and consequences for violating operational regulations. The Planning Director, or his designated staff, shall determine whether the premises to be permitted is in compliance with the St. Charles Parish code of Ordinances, or what measures must be taken to bring the premises into compliance prior to consideration of an application for a home occupation permit.
2. **Application:** A citizen who proposes appropriate activities at a residence that is not under citation for violation of this Code may apply for a permit for a home occupation. The fee shall be two hundred dollars (\$200.00). The applicant will agree to follow operational regulations. When an applicant does not own the subject property, the applicant must provide notarized endorsement of the application by the property owner.
3. **Departmental Review:** The Planning Director, or his designated staff, shall determine whether the proposed activity complies with the operational regulations of this section. The operational regulations are a guideline.
4. **Public Notice and Comment:**
 - a. Once the Planning Director has determined that the proposed activity meets the general parameters of this code and the operational requirements of this section, the property shall be posted for ten (10) days with a sign stating that the resident has applied for a permit to operate a home occupation and that the Department of Planning and Zoning will receive and record public comment on the application for the same ten (10) calendar days.
 - b. A copy of the application shall be forwarded to the District Councilman and both Councilman-At-Large.
5. **Determination:** The Planning Director shall consider the nature of the home occupation, the operational regulations, the relationship of the proposed home occupation to neighboring properties, requirements for state permits and licenses, and take one of the following actions:

- a. Issue a Home Occupational Permit with or without written conditions, for those occupations that do not require state permit or license.
- b. Forward applications requiring state permits or licenses along with a recommendation of the Department to the Planning and Zoning Commission for public hearing and recommendation and to the Parish Council for public hearing and decision.
- c. Deny the application.

C. Operational Regulations:

- 1. All products produced for sale must be hand manufactured or grown on the premises using only hand tools or domestic mechanical equipment. Such domestic mechanical equipment shall not exceed two (2) horsepower per piece of equipment, and the sum total of all such equipment shall not exceed six (6) horsepower. A single kiln shall not exceed eight (8) kilowatts or the equivalent in a gas-fired fixture.
- 2. All sales of products, including those produced or grown on the premises, and the performance of all services shall take place off the premises. However, the Planning Director may permit on-premises sales or the performance of services as a condition of a home occupation permit when it may be found that such sales or services will not produce any detrimental effects upon the surrounding neighborhood. This may include but is not limited to snowball stands, tax and legal services. The Department may impose conditions regulating the duration, scope, and size of operation.
- 3. There shall be no signs posted which indicate the existence of the home occupation.
- 4. No licensed vehicle in excess of one (1) ton (manufacturer's rating), and no more than one (1) licensed motorized vehicle, shall be utilized by any resident of the premises in connection with the home occupation. (Ord. No. 03-8-11, § 1, 8-18-03)
- 5. Only the residents of the premises shall be engaged in the home occupation.
- 6. There shall be no outdoor storage of materials or products on the premises except as otherwise permitted by the Planning Director. Indoor storage of material or products shall not exceed twenty (20) percent of the gross floor area of the dwelling.
- 7. Home occupations, except for horticultural uses, shall be conducted only within a structure on the premises.
- 8. The home occupation shall not eliminate required off-street parking.
- 9. The home occupation shall not cause any external effect associated with the home occupation, such as increased noise, excessive traffic, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential zone, or in violation of the revisions of any applicable governmental code. There shall be no illegal discharge of materials, fluids, or gases into the sewer system, or any other manner of discharging such items in violation of any applicable governmental code.
- 10. The resident or residents engaged in the home occupation shall possess a current St. Charles Parish Occupational License and health certification from the Parish Health Unit when required. An inspection approval from the State Fire Marshal shall be required when any food preparation requiring ovens or stoves, mechanical equipment, a simple kiln, or gas-fired fixture are necessary for production.
- 11. Home occupation activities which include the manufacture, sale, or repair firearms (or any related commercial activity) shall be prohibited in R-2 and R-3 residential zoning districts, and shall be additionally prohibited on residentially zoned lots which contain more than one dwelling unit. (Ord. No. 96-7-4, 96-7-4)
- 12. No alcoholic beverages shall be sold or provided in connection with the operation of a home occupation. (Ord. No. 98-8-1, 8-3-98)
- 13. Home occupation permit holders shall provide annual evidence of valid occupational licensing as issued by the St. Charles Parish Sheriff's Office. Evidence of occupational licensing shall be provided to the Department of Planning and Zoning by March 31st of each calendar year. (Ord. No. 98-8-14, 8-17-98)

FINDINGS

Mr. Butler completed an application to use 200 North Bend, Montz as a home office for general contracting on October 21.

The request appears before the Commission because of the need for licensing by State Licensing Board for Contractors. If the cost of labor and materials for any job exceeds \$10,000, a license is required.

Site inspection revealed no code violations, and no complaints or code violations are on file. The applicant has been advised that issuance of a Home Occupation permit does not negate restrictive covenants. The proposed business appears to meet the general parameters of the home occupation regulations.

DEPARTMENT RECOMMENDATIONS

Approval.



2010-0006**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(DEPARTMENT OF PLANNING & ZONING)****ORDINANCE NO. _____**

An ordinance to amend the Zoning Ordinance to change the zoning classification from R-1AM to R-2 at 464 and 470 Killona Drive, Killona, as requested by Frank & Shirline Johnson.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. An ordinance to amend the Zoning Ordinance of 1981, Ordinance No. 81-10-6, adopted October 19, 1981, approving the change of zoning classification from R-1AM to R-2 at 464 and 470 Killona Drive, Killona, as requested by Frank and Shirline Johnson.

SECTION II. To authorize the Department of Planning & Zoning to amend the official St. Charles Parish Zoning Maps to reflect this reclassification from R-1AM to R-2 at 464 and 470 Killona Drive, Killona, as requested by Frank and Shirline Johnson.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this _____ day of _____, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

RECOMMENDATIONS AT A GLANCE

PZR-2009-21 requested by Shirline S. Johnson for a change in zoning classification from R-1A(M) to R-2 at 464 and 470 Killona Drive, Killona. Council District 1.

Planning Department Recommendation:

Approval

Planning Commission Recommendation:

Approval

PZR-2009-21 requested by Shirline S. Johnson for a change in zoning classification from R-1A(M) to R-2 at 464 and 470 Killona Drive, Killona. Council District 1. Mr. Romano.

Mr. Romano: Thank you Mr. Chairman. The applicant requests a rezoning from R-1AM to R-2 for the purpose of completing the renovation of the existing single family residential structure into a duplex. The applicant site is comprised of two historic lots of record currently owned by the applicant. One lot measures 43 x 97 feet (4,171 sq. ft.); the other measures 50 x 97 feet (4,850 sq. ft.), upon which the house is located. Neither lot individually meets the criteria of either the R-1AM zoning district (5,000 SF minimum) or the R-2 district (6,000 SF minimum). The property has been in single ownership since before the adoption of the current zoning code. Because they are in single ownership, of continuous frontage, and because they individually do not meet the current zoning district standards, they are considered to be a single undivided lot of record, (SCP Code, Appendix A, Section IX(A)(3)).

An Administrative Resubdivision, combining the two lots, will be required if the rezone is approved in order for a building permit to be issued.

In order to recommend approval, a rezoning application must meet all of the conditions under one of the rezoning criteria. The Department concludes that this request meets all of the conditions of the second criteria. The second criteria strive to protect the surrounding land uses and to ensure that the general public interest and welfare will not be impacted due to the rezoning of property.

Because the site was historically developed as two single family residential units, the development of a duplex (two units) on the site will not unduly burden the public facilities or streets. The house is designed to look like a single family residence and adequate off street parking is available on the property to accommodate two households. Therefore, it will be compatible with the surrounding residential uses. The property will continue to be in commerce as a residential structure. The surrounding residential uses appear to be occupied and few vacant properties were noted in the area. This would suggest that an oversupply of residential uses does not occur in the area and this additional duplex will not create a disproportionate supply of land use to the surrounding population. For the reasons, the Department recommends rezoning approval.

Mr. Becnel: Thank you Mr. Romano, any Commission questions at this time?

Mr. Clulee: I think that this is the gentleman that came before us. They were able to work it out with the Department and I'm glad to see it. I recommend we go with it.

Mr. Becnel: This is a public hearing for PZR-2009-21. Anyone wishing to speak in favor, please come forward. Please state your name and address for the record.

Frank Johnson, 145 Julia Street, Hahnville. I am Shirline's husband. We've both been under the weather so I just want to say thank you for the reconsideration. We plan to develop the property in a way that it will be an upgrade to the area. Thank you.

Mr. Becnel: Thank you for your patience in working with us on this. Anyone else wishing to speak in favor, please come forward. Anyone wishing to speak in opposition, please come forward. Seeing none, the public hearing is closed. Any Commission discussion?

Ms. Wolfe: This is in my district and Rev. Johnson and his family has done beautifully with the renovations and everything and it enhances the area. I ask my fellow Commissioners to approve it.

Mr. Becnel: Thank you Ms. Wolfe. Any other discussion? Please cast your vote.

YEAS: Becnel, Dufrene, Clulee, Booth, Gibbs, Wolfe
NAYS: None
ABSENT: Foster

Mr. Becnel: That passes unanimously.

St. Charles Parish

Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: PZR-2009-21

GENERAL APPLICATION INFORMATION

- ♦ **Name/Address of Applicant:** Frank & Shirline Johnson
P.O. Box 73
Hahnville LA 70057
985.783.2303
- Application Date:** 10/05/2009
- ♦ **Location of Site:** 464-470 Killona Drive, Killona
- ♦ **Requested Action:** Rezoning from R-1AM to R-2

SITE-SPECIFIC INFORMATION

- ♦ **Size of Parcel:** 2 Lots totaling 9,021 sf
- ♦ **Existing Zoning and Land Use:** R-1AM. Half of the property is being renovated into a double. The remainder of the lot is vacant with a slab on it.
- ♦ **Surrounding Land Uses and Zoning:** A mixture of single-family and mobile homes surround the site.
- ♦ **Comprehensive Plan Specifications:** (Killona) "Maintain the rural character of the community while controlling residential growth and, when feasible, allowing controlled commercial and industrial growth."
- ♦ **Utilities:** Standard utilities serve the site.
- ♦ **Traffic Access:** Killona Drive

APPLICABLE REGULATIONS

Appendix A., Zoning Ordinance, Section IV.9:

Rezoning Guidelines and Criteria: Before the Planning & Zoning Commission recommends or the Parish Council rezones property, there should be reasonable factual proof by the proponent of a change that one or more of the following criteria are met:

1. Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. Reasonableness is defined as:
 - a. Land use the same as, or similar to that existing on properties next to, or across the street from the site under consideration.
 - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
 - c. Consideration of changes in land value, physical environment or economic aspects, which tend to limit the usefulness of vacant land or buildings.
2. The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:
 - a. Undue congestion of streets and traffic access.

- b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.
 - c. Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.
 - d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
3. The proposed zoning change is in keeping with zoning law and precedent, in that:
- a. It is not capricious or arbitrary in nature or intent.
 - b. It does not create a monopoly, or limit the value or usefulness of neighboring properties.
 - c. It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.
 - d. It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

AND:

[VII.]R-2. Two-family residential:

1. Use Regulations:
- a. A building or land shall be used only for the following purposes:
 - (1) See uses allowed in the R-1A district
 - (2) Two-family dwellings
 - (3) Single family dwellings
 - (4) Accessory uses.
 (Ord. No. 88-5-5, 5-16-88)
 - b. Special exception uses and structures include the following:
 - (1) Club houses and/or accessory recreational facilities for resident use only
 - (2) Professional, non-retail offices
 - c. Special permit uses and structures include the following:
 - (1) Child care centers
 - (2) Schools (public, private, and commercial)
 - (3) Religious institutions
 - (4) *Reserved.* (Ord. No. 06-12-6, § II, 12-4-06)
 - (5) *Reserved.* (Ord. No. 88-5-6, 5-16-88; Ord. No. 95-4-8, § III, 4-3-95)
 - (6) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council. (Ord. No. 92-10-9, § V, 10-5-92)

Editor's note--Section V of Ord. No. 92-10-9, adopted Oct. 5, 1992, added § VII.1.c(6). The editor has interpreted the intent of the section to add § VI.B[VII]1.c(6).

- d. Transportation system required: Local or collector street.

2. Spatial Requirements:

- a. **Minimum lot size:** Six thousand (6,000) square feet (3,000 per family); minimum width - sixty (60) feet.
- b. **Minimum yard sizes:**
 - (1) **Front - twenty (20) feet**
 - (2) **Side - five (5) feet each side**
 - (3) **Rear - twenty (20) feet.**
 - (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right-of-way, notwithstanding any other more restrictive setbacks, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999. (Ord. No. 08-8-9, § VII, 8-18-08)
- c. **Accessory buildings:**
 - 1) An accessory building may occupy no more than twenty-five (25) percent of the required rear yard.
 - 2) The accessory building shall not exceed two-story construction.
 - 3) Minimum rear setback of accessory building shall be the same as side yard requirement of the district in which it is located.
 - 4) Accessory buildings shall be located on the same parcel of land as the main structure.
 (Ord. No. 82-3-3, § II, 3-1-82)
- d. **Permitted encroachments:**
 - 1) Overhangs projecting not more than twenty-four (24) inches, excluding gutter.

- 2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into required front or rear yard.
(Ord. No. 82-3-3, § II, 3-1-82)
3. Transportation System Requirement: Front on local or collector street only.
4. Special Provisions:
 - a. Where any two-family residential district (R-2) abuts any residential zoning district or use, a six-foot high solid wood fence or masonry wall shall be erected.
(Ord. No. 82-6-9, § III, 6-7-82)

ANALYSIS

The applicant requests a rezoning from R-1AM to R-2 for the purpose of completing the renovation of the existing single family residential structure into a duplex. The applicant site is comprised of two historic lots of record currently owned by the applicant. One lot measures 43 x 97 feet (4,171 sq. ft); the other measures 50 x 97 feet (4,850 sq. ft.), upon which the house is located. Neither lot individually meets the criteria of either the R-1AM zoning district (5,000 SF minimum) or the R-2 district (6,000 SF minimum). The property has been in single ownership since before the adoption of the current zoning code. Because they are in single ownership, of continuous frontage, and because they individually do not meet the current zoning district standards, they are considered to be a single undivided lot of record, (SCP Code, Appendix A, Section IX(A)(3)).

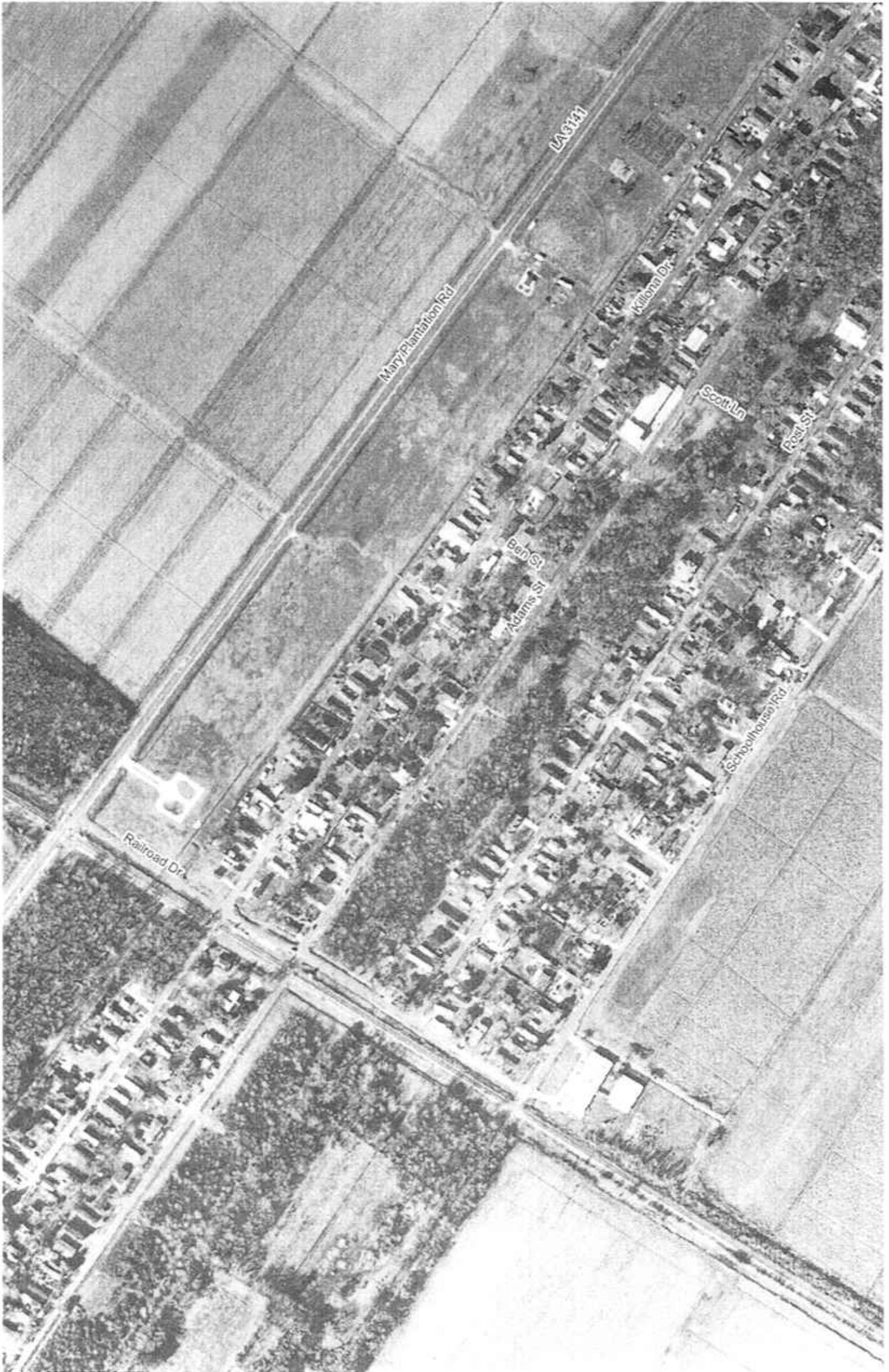
An Administrative Resubdivision, combining the two lots, will be required if the rezone is approved in order for a building permit to be issued.

In order to recommend approval, a rezoning application must meet all of the conditions under one of the rezoning criteria. This request meets all of the conditions of the second criteria. The second criteria strives to protect the surrounding land uses and to ensure that the general public interest and welfare will not be impacted due to the rezoning of property.

Because the site was historically developed as two single family residential units, the development of a duplex (two units) on the site will not unduly burden the public facilities or streets. The house is designed to look like a single family residence and adequate off street parking is available on the property to accommodate two households. Therefore, it will be compatible with the surrounding residential uses. The property will continue to be in commerce as a residential structure. The surrounding residential uses appear to be occupied and few vacant properties were noted in the area. This would suggest that an oversupply of residential uses does not occur in the area and this additional duplex will not create a disproportionate supply of land use to the surrounding population.

DEPARTMENTAL RECOMMENDATIONS

Approval.



2010-0025

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(DEPARTMENT OF PLANNING & ZONING)**

ORDINANCE NO. _____

An ordinance approving and authorizing the establishment of a Home Occupation under the operation of Michael McClain – "T&M Installation, LLC" – a heating and air conditioning contractor – at 303 Ormond Village Drive, Destrehan.

WHEREAS, the St. Charles Parish Code of Ordinances, Appendix A, Section XXII states that the Parish Council must approve a home occupation requiring any state license or permit; and,

WHEREAS, the proposed home occupation of Michael McClain requires a license or registration with the Louisiana Licensing Board for Contractors.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the home occupation application by Michael McClain to operate "T&M Installation"– a heating and air conditioning contractor – at 303 Ormond Village Drive is hereby approved.

SECTION II. That the Department of Planning & Zoning is hereby authorized to grant Michael McClain a home occupation permit to have the office for a heating and air conditioning contractor at 303 Ormond Village Drive, Destrehan.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this _____ day of _____, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

RECOMMENDATIONS AT A GLANCE

PZHO-2010-01 requested by Michael McClain for special permission to operate the following home occupation – T & M Installation, LLC – mechanical/HVAC. The home office will be at 303 Ormond Village Drive, Destrehan, La. Zoning District R-1A. Council District 3.

Planning Department Recommendation:

Approval

Planning Commission Recommendation:

Approval

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: HO 2010-01

GENERAL APPLICATION INFORMATION

- ♦ **Name/Address of Applicant:** **Application Date:** 12/09/09
Michael McClain
303 Ormond Village Dr.
Destrehan, LA 70047
985.764.5995
tminstall@bellsouth.net
- ♦ **Location of Site:**
Same
- ♦ **Applicant's description of business:**
Mechanical/HVAC. The business address above will serve as the home office. The only things to take place here will be bidding, faxing, computer work, etc. Typical office work. There will be no materials stored at this location. All materials are stored in containers on each individual job-site. There are no company vehicles.

SITE - SPECIFIC INFORMATION

- ♦ **Existing Land Use and Zoning:**
Single-family residence in an R-1A zoning district.
- ♦ **Surrounding Land Uses and Zoning:**
The site is surrounded by single family residences and R-1A zoning.
- ♦ **Traffic Access and parking:**
Site is developed with a driveway that measures approximately 18' x 21' leading to a carport that measures approximately 16' x 21' where up to four cars can be stacked.

APPLICABLE REGULATIONS

Regulations for Home Occupations: Appendix A. Section XXII

B. Permit Process:

1. **Pre-Application Orientation:** The Planning Director, or his designated staff, shall advise citizens of the regulations for home occupations such as appropriate activities for home occupations, operational regulations, and consequences for violating operational regulations. The Planning Director, or his designated staff, shall determine whether the premises to be permitted is in compliance with the St. Charles Parish code of Ordinances, or what measures must be taken to bring the premises into compliance prior to consideration of an application for a home occupation permit.
2. **Application:** A citizen who proposes appropriate activities at a residence that is not under citation for violation of this Code may apply for a permit for a home occupation. The fee shall be two hundred dollars (\$200.00). The applicant will agree to follow operational regulations. When an applicant does not own the subject property, the applicant must provide notarized endorsement of the application by the property owner.
3. **Departmental Review:** The Planning Director, or his designated staff, shall determine whether the proposed activity complies with the operational regulations of this section. The operational regulations are a guideline.
4. **Public Notice and Comment:**
 - a. Once the Planning Director has determined that the proposed activity meets the general parameters of this code and the operational requirements of this section, the property shall be posted for ten (10) days with a sign stating that the resident has applied for a permit to operate a home occupation and that the Department of Planning and Zoning will receive and record public comment on the application for the same ten (10) calendar days.
 - b. A copy of the application shall be forwarded to the District Councilman and both Councilman-At-Large.
5. **Determination:** The Planning Director shall consider the nature of the home occupation, the operational regulations, the relationship of the proposed home occupation to neighboring properties, requirements for state permits and licenses, and take one of the following actions:

- a. Issue a Home Occupational Permit with or without written conditions, for those occupations that do not require state permit or license.
- b. Forward applications requiring state permits or licenses along with a recommendation of the Department to the Planning and Zoning Commission for public hearing and recommendation and to the Parish Council for public hearing and decision.
- c. Deny the application.

C. Operational Regulations:

- 1. All products produced for sale must be hand manufactured or grown on the premises using only hand tools or domestic mechanical equipment. Such domestic mechanical equipment shall not exceed two (2) horsepower per piece of equipment, and the sum total of all such equipment shall not exceed six (6) horsepower. A single kiln shall not exceed eight (8) kilowatts or the equivalent in a gas-fired fixture.
- 2. All sales of products, including those produced or grown on the premises, and the performance of all services shall take place off the premises. However, the Planning Director may permit on-premises sales or the performance of services as a condition of a home occupation permit when it may be found that such sales or services will not produce any detrimental effects upon the surrounding neighborhood. This may include but is not limited to snowball stands, tax and legal services. The Department may impose conditions regulating the duration, scope, and size of operation.
- 3. There shall be no signs posted which indicate the existence of the home occupation.
- 4. No licensed vehicle in excess of one (1) ton (manufacturer's rating), and no more than one (1) licensed motorized vehicle, shall be utilized by any resident of the premises in connection with the home occupation. (Ord. No. 03-8-11, § I, 8-18-03)
- 5. Only the residents of the premises shall be engaged in the home occupation.
- 6. There shall be no outdoor storage of materials or products on the premises except as otherwise permitted by the Planning Director. Indoor storage of material or products shall not exceed twenty (20) percent of the gross floor area of the dwelling.
- 7. Home occupations, except for horticultural uses, shall be conducted only within a structure on the premises.
- 8. The home occupation shall not eliminate required off-street parking.
- 9. The home occupation shall not cause any external effect associated with the home occupation, such as increased noise, excessive traffic, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential zone, or in violation of the revisions of any applicable governmental code. There shall be no illegal discharge of materials, fluids, or gases into the sewer system, or any other manner of discharging such items in violation of any applicable governmental code.
- 10. The resident or residents engaged in the home occupation shall possess a current St. Charles Parish Occupational License and health certification from the Parish Health Unit when required. An inspection approval from the State Fire Marshal shall be required when any food preparation requiring ovens or stoves, mechanical equipment, a simple kiln, or gas-fired fixture are necessary for production.
- 11. Home occupation activities which include the manufacture, sale, or repair firearms (or any related commercial activity) shall be prohibited in R-2 and R-3 residential zoning districts, and shall be additionally prohibited on residentially zoned lots which contain more than one dwelling unit. (Ord. No. 96-7-4, 96-7-4)
- 12. No alcoholic beverages shall be sold or provided in connection with the operation of a home occupation. (Ord. No. 98-8-1, 8-3-98)
- 13. Home occupation permit holders shall provide annual evidence of valid occupational licensing as issued by the St. Charles Parish Sheriff's Office. Evidence of occupational licensing shall be provided to the Department of Planning and Zoning by March 31st of each calendar year. (Ord. No. 98-8-14, 8-17-98)

FINDINGS

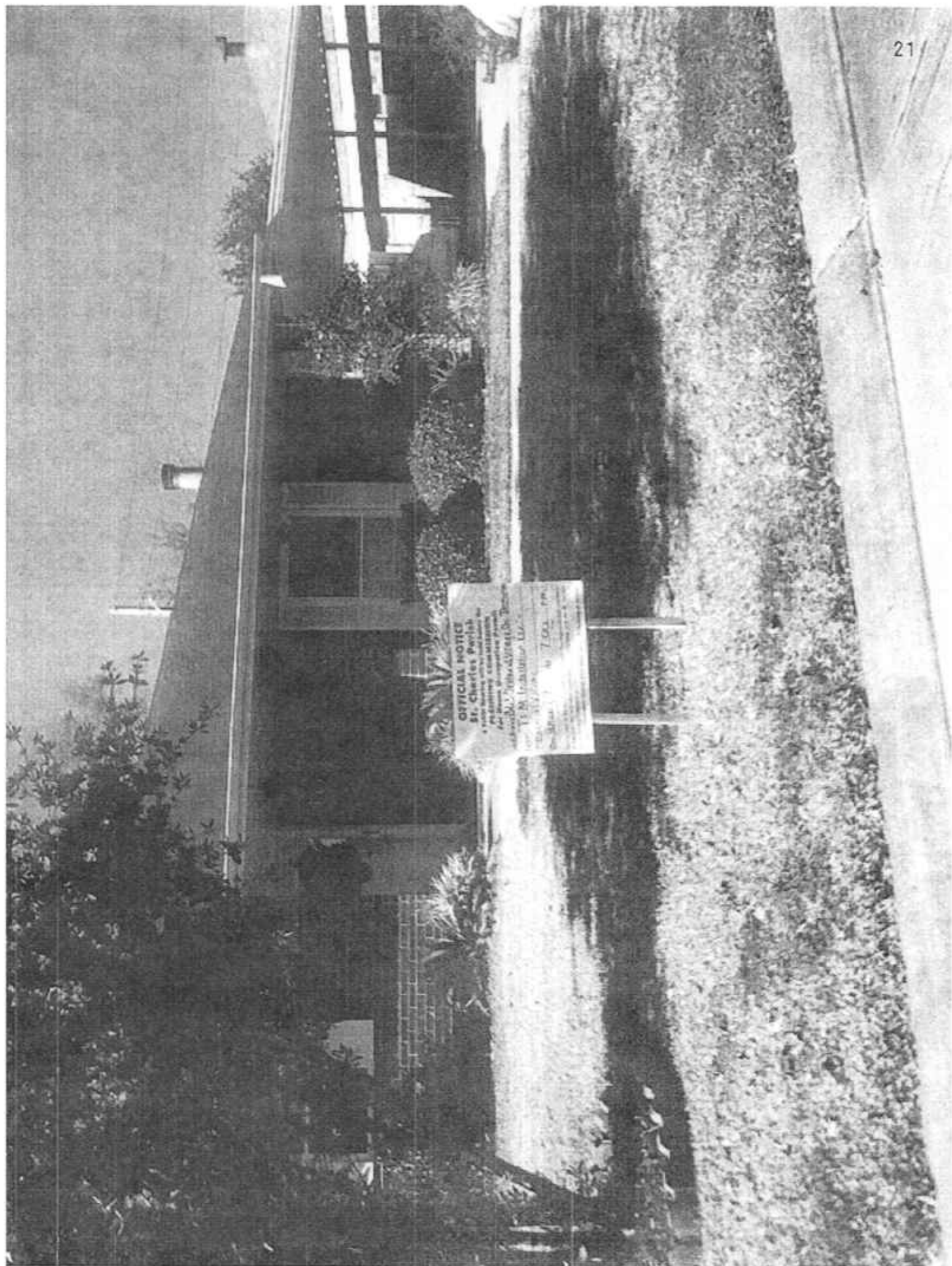
Mr. McClain completed an application to use his residence as the office for T&M Installation, L. L. C., a mechanical and HVAC contractor, on December 9, 2009

The request appears before the Commission because of the need for licensing by State Licensing Board for Contractors. If the cost of labor and materials for any job exceeds \$10,000, a license is required.

Site inspection on December 28 revealed no code violations, and no complaints or code violations are on file. The applicant has been advised that issuance of a Home Occupation permit does not negate restrictive covenants for the subdivision. The proposed business appears to meet the general parameters of the home occupation regulations.

DEPARTMENT RECOMMENDATIONS

Approval.





2010-0007

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(DEPARTMENT OF PLANNING & ZONING)**

ORDINANCE NO. _____

An ordinance to revoke and abandon a 464.35-foot portion of an undeveloped right-of-way of Parsons Avenue in St. Rose extending north from Airline Drive in favor of the abutting property owner.

WHEREAS, said certain property was laid out for use as Parsons Avenue as shown on the plat of Fairview Subdivision prepared by S.E. Calongne, Civil Engineer, dated August 22, 1927, revised July 14, 1930; and,

WHEREAS, the property has been determined to have no public use and/or benefit as required by Chapter 2 Section 2-4 of the St. Charles Parish Code of Ordinances; and,

WHEREAS, the St. Charles Parish Council wishes to revoke said property pursuant to Chapter 2 Section 2-4 of the Code of Ordinances.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Act of Revocation of an undeveloped right-of-way for a 464.35-foot segment of Parsons Avenue in St. Rose extending north from Airline Drive, as indicated on the plat of Fairview Subdivision prepared by S.E. Calongne, Civil Engineer, dated August 22, 1927, revised July 14, 1930, is hereby approved and accepted.

SECTION II. That the Parish President is hereby authorized to execute said Act of Revocation in favor of adjacent property owners.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this _____ day of _____, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

**ACT OF REVOCATION
OF DEDICATED PROPERTY
BY ST. CHARLES PARISH**

**UNITED STATES OF AMERICA
STATE OF LOUISIANA
PARISH OF ST. CHARLES**

BE IT KNOWN, that on this _____ day of the month of _____, in the year of Our Lord, two thousand nine (2010).

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified, in and for the Parish of St. Charles, State of Louisiana, therein residing, and in the presence of the witnesses hereinafter named and undersigned;

PERSONALLY CAME AND APPEARED:

THE HONORABLE V. J. ST PIERRE JR, Parish President and Chief Executive Officer of the Parish of St. Charles, herein duly authorized by the provisions of the Ordinance No. _____ passed and adopted at a meeting of the St. Charles Parish Council held on _____.

That pursuant to the above related ordinance, the Parish of St. Charles, through its governing authority, the St. Charles Parish Council, does hereby abandon and revoke the dedication of undeveloped Parsons Avenue right of way, said right of way being extended 561.81 feet to the north of Airline Highway (as of November 3, 1969), located in Parcel 5, Fairview Plantation, Section 39, Township 12 South, Range 9 East, St. Rose, St. Charles Parish, Louisiana; that the revocation of the above dedicated property herein is deemed to be in the best interest of the Parish, as such property no longer constitutes property utilized or needed by the Public.

Further, that pursuant to LA R.S. 48-701 et seq, the revocation of the dedicated property shall be made unto the present owners of the land contiguous thereto.

THUS DONE AND SIGNED on this _____ day of _____, 2010, in the Parish of St. Charles, State of Louisiana, in the presence of the undersigned competent witnesses and me, Notary, after a reading of the whole.

WITNESSES:

ST. CHARLES PARISH

By: _____
V.J. St Pierre Jr.
Parish President

NOTARY PUBLIC

RECOMMENDATIONS AT A GLANCE

PZS-2009-41 requested by Scott Equipment Company for revocation of Parsons Street north of Airline Hwy., located west of 10176 Airline Dr, St. Rose. Zoning District M-1. Council District 5.

Planning Department Recommendation:

Approval

Planning Commission Recommendation:

Approval

Mr. Becnel: Second item is PZS-2009-41 requested by Scott Equipment Company for revocation of Parsons Street north of Airline Hwy., located west of 10176 Airline Dr, St. Rose. Zoning District M-1. Council District 5. Mr. Romano.

Mr. Romano: Thank you Mr. Chairman. This application was originally submitted as a re-subdivision with an understanding that Parson Avenue had been revoked when in fact it has not been revoked. Therefore, the applicant is seeking a revocation of this right-of-way so that they can acquire it and provide us with a proposed Resubdivision at a later date. The proposed action for this case is ONLY the revocation of Parsons Avenue as it appears on the attached maps on page 9. In order to create the intended lot configuration, the applicant will be required to submit a further application for administrative re-subdivision after the council approves the requested revocation assuming that they do.

Letters of no objection from all parish departments have been submitted. We have those on file, if you'd like, we can read them into the record, but we haven't made copies for the agenda. The plat as presented meets all requirements for subdivision and the proposed lots will meet or exceed all applicable regulations.

The plat shows a proposed building on Lot 5-B-1 which appears to meet all setbacks. The existing gravel drive extending to the rear of this lot will likely be replaced as access to Lot 5-B-2 within frontage. The Department recommends approval.

Mr. Becnel: Thank you Mr. Romano. Any Commission discussion? This is a public hearing for PZS-2009-41. Anyone wishing to speak in favor, please come forward.

Ronald Colten, I represent Scott Equipment. We a location at 10176 Airline Hwy. Our intent is to get the revocation and proceed forward with all the processes to eventually build another facility at that location.

Mr. Becnel: Anyone else wish to speak in favor, please come forward? Anyone here in opposition to this application, please come forward? Seeing none the public hearing is closed. Mr. Romano.

Mr. Romano: There is something I forgot to add. The letter from public works that we received stated that in the second paragraph "the plat shows drainage structures along the eastern edge of the right of way. This drain line appears to drain in to the perimeter ditch around James Business Park and takes stormwater from Airline Hwy". What Public Works would like stipulated into the record is that a 15 ft. drainage servitude be created along the eastern side of the existing side of the existing Parson Avenue for parish maintenance.

Mr. Becnel: A 15 ft. drainage servitude on the eastern side?

Mr. Romano: Yes sir. Basically with that, they have no objection to the revocation, providing that be approved.

Mr. Becnel: Has that been discussed with the representative from Scott?

Mr. Romano: No sir, I believe it's being discussed right now.

Mr. Colten: Scott Equipment is aware of the 15 ft.

Mr. Becnel: Thank you very much. Any other Commission discussion? Okay, the Department recommends approval with the condition that Scott allows a 15 ft. drainage servitude on the eastern side of the property. The representative from Scott says that they are in agreement with that.

Mr. Booth: This is in my district. This will help clean up a little problem and Scott has done an excellent job, I don't know if you are familiar with what they've done in their rear yard. They took a shabby looking gravel work area and concreted it and really cleaned up that area. They've done a fantastic job out there and I believe that Ron will continue with his people to enhance and make St. Charles Parish only better. I recommend that we support this.

Mr. Becnel: Thank you Mr. Booth. Anyone else? Any further comment? Okay, with the stipulation, please cast your vote.

YEAS: Becnel, Dufrene, Clullee, Booth, Gibbs, Wolfe
NAYS: None
ABSENT: Foster

Mr. Becnel: That passes unanimously.

3. In instances where only five (5) lots or less are proposed to be created by subdivision or resubdivision and no new or additional streets are to be created, the Commission may approve and the Chairman of the Commission may sign certification for such applications for subdivision or resubdivision without final approval of the plat plan by the Council provided that the standard public hearing and public notification actions have been effected. The proposal shall be in compliance with all relevant land use regulations, as amended. This authority shall not exceed the limits herein.
4. Subdivisions and resubdivisions which meet the guidelines contained in Section II.C. of these regulations shall be presented to the Department of Planning and Zoning in the form of a plan which conforms to the laws of the State of Louisiana governing surveying, platting, and subdivision of land. The proposed subdivision shall contain the following information:
 - a. Location of the property.
 - b. Name(s) and address(es) of the owners.
 - c. Name and address of the Land Surveyor preparing the plan as well as the date the survey was prepared. The survey shall be dated within one (1) year of the subdivision application date.
 - d. Existing property lines and lot numbers, including names and width of adjoining streets.
 - e. Proposed property lines and revised numbers of proposed lots.
 - f. Location and dimensions of existing buildings.
 - g. Layout and dimensions of servitudes and rights-of-way (including sidewalks). Existing drainage ditches and canals and their respective servitudes.
 - h. Existing lakes and ponds.
 - i. North arrow and scale.

ANALYSIS

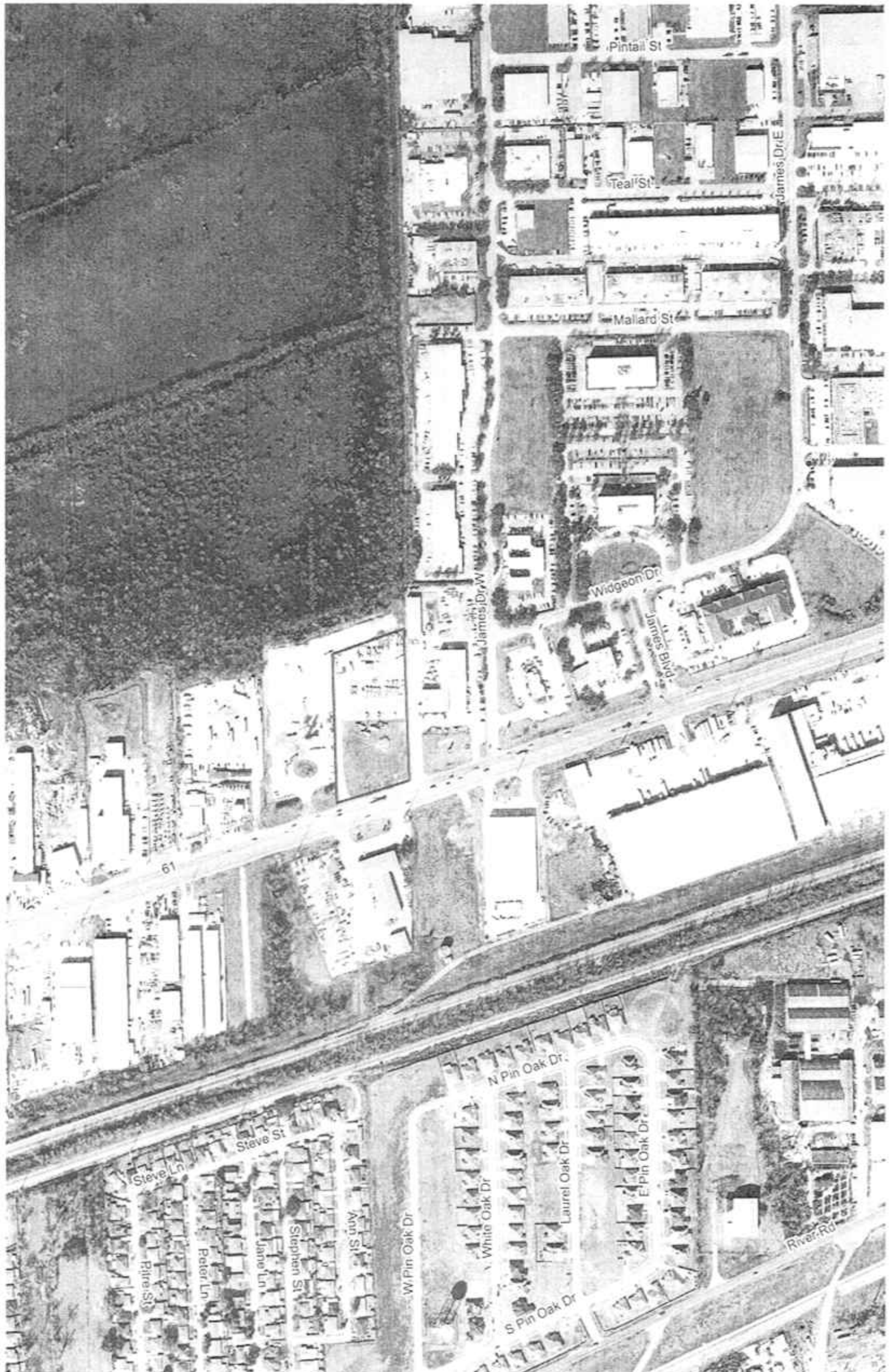
This application was originally submitted as a re-subdivision with an understanding that Parson Avenue had been revoked when in fact it has not. Therefore, the applicant is seeking a revocation of this right-of-way. The proposed action for this case is ONLY the revocation of Parsons Avenue as it appears on the attached maps. In order to create the intended lot configuration, the applicant will be required to submit a further application for administrative re-subdivision after the council approves the requested revocation.

Letters of no objection from all parish departments have been submitted. The plat as presented meets all requirements for subdivision and the proposed lots meet or exceed all applicable regulations.

The plat shows a proposed building on Lot 5-B-1 which appears to meet all setbacks. The existing gravel drive extending to the rear of this lot will likely be replaced as access to Lot 5-B-2 within frontage.

DEPARTMENTAL RECOMMENDATIONS

Approval.



MEMORANDUM

DATE: November 5, 2009
TO: Robert Brou, Director of Waterworks
FROM: Stephen Romano, Development Review Planner
SUBJECT: Revocation Request: Parsons Avenue St. Rose

Enclosed is a copy of documents submitted by Stephen Harrison of Scott Equipment Company. The company through Mr. Harrison is requesting the revocation of undeveloped Parsons Avenue in St. Rose that is situated through their property.

Please examine the site and make a determination as to the continuing public need of this right-of-way and memo this Department of your findings. The applicant's resubdivision application was removed from the November 2009 Planning & Zoning Commission agenda but will likely be ready for consideration at the December 2009 meeting. Therefore, time is of the essence. Thank you.

cc: Planning & Zoning File

SAR

MEMORANDUM

DATE: November 5, 2009
TO: Sam Scholle, Director of Public Works and Wastewater
FROM: Stephen Romano, Development Review Planner
SUBJECT: Revocation Request: Parsons Avenue St. Rose

Enclosed is a copy of documents submitted by Stephen Harrison of Scott Equipment Company. The company through Mr. Harrison is requesting the revocation of undeveloped Parsons Avenue in St. Rose that is situated through their property.

Please examine the site and make a determination as to the continuing public need of this right-of-way and memo this Department of your findings. The applicant's resubdivision application was removed from the November 2009 Planning & Zoning Commission agenda but will likely be ready for consideration at the December 2009 meeting. Therefore, time is of the essence. Thank you.

cc: Planning & Zoning File

SAR

MEMORANDUM

DATE: November 5, 2009
TO: Tut Clement, Contract Monitor
FROM: Stephen Romano, Development Review Planner
SUBJECT: Revocation Request: Parsons Avenue St. Rose

Enclosed is a copy of documents submitted by Stephen Harrison of Scott Equipment Company. The company through Mr. Harrison is requesting the revocation of undeveloped Parsons Avenue in St. Rose that is situated through their property.

Please examine the site and make a determination as to the continuing public need of this right-of-way and memo this Department of your findings. The applicant's resubdivision application was removed from the November 2009 Planning & Zoning Commission agenda but will likely be ready for consideration at the December 2009 meeting. Therefore, time is of the essence. Thank you.

cc: Planning & Zoning File

SAR



VJ. ST. PIERRE, JR.
PARISH PRESIDENT

SAM SCHOLLE
DIRECTOR

ST. CHARLES PARISH

DEPARTMENT OF PUBLIC WORKS

P.O. BOX 755 • LULING, LOUISIANA 70070
(985) 783-5102 • (985) 783-5104 • Fax: (985) 785-2207
Website: www.stcharlesgov.net

MEMORANDUM

DATE: December 3, 2009

TO: Mr. Steve Romano
Development Review Planner

FROM: Sam Scholle *SS*
Director of Public Works/Wastewater

RE: Revocation of Parson Avenue, St Rose

The Department of Public Works/Wastewater has reviewed your November 5, 2009 memorandum on the revocation of Parson Avenue north of Airline Hwy. The plat submitted to DPW/WW by Landmark Surveying dated April 6, 2009 (copy attached) shows the right of way for Parson Avenue to be revoked. There is no need for the right of way for the Wastewater Department.

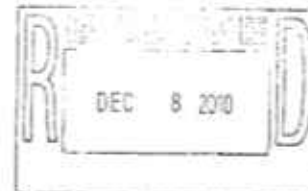
The plat shows drainage structures along the eastern edge of the right of way. This drain line appears to drain into the perimeter ditch around James Business Park and takes stormwater from Airline Hwy. DPW/WW has to have the ability to maintain this line even though there is little evidence of previous maintenance. DPW/WW no objection to the revocation of Parson Avenue provided that a fifteen foot drainage servitude be created along the eastern side of the existing Parson Avenue for Parish maintenance.

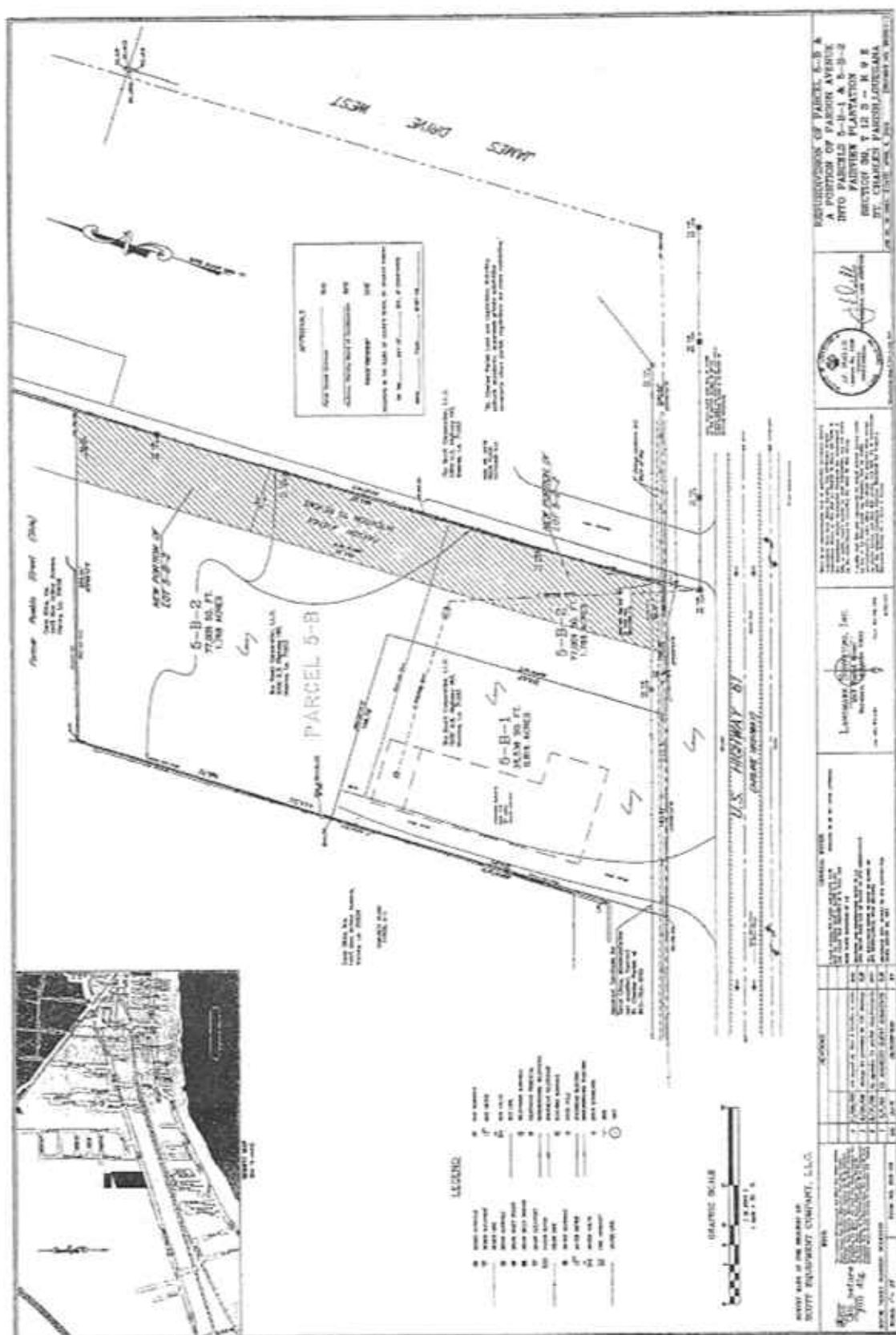
Should you have any questions or comments please do not hesitate to call Mr. Lee Zeringue, PE at 783-5102.

Attachment

SS/lpz

cc: Mr. Bob Dublan, Assistant Director of Public Works
Mr. Sammy Accardo, Assistant Director of Wastewater
Mr. Lawrence "Lee" Zeringue, PE; Senior Parish Engineer





2010-0008

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(DEPARTMENT OF FINANCE)

ORDINANCE NO. _____

An ordinance adopting the St. Charles Parish Council Road and Bridges Capital Program Budget for fiscal year 2010 through 2012 in accordance with the Parish Transportation Act.

WHEREAS, In accordance with the provisions of Louisiana Revised Statutes 48:751-760, the Parish Transportation Act, and the St. Charles Parish Home Rule Charter, the Parish President has submitted the Road and Bridges Capital Program Budget for fiscal year 2010 through 2012 to the St. Charles Parish Council; and,

WHEREAS, The Parish Council has taken under advisement the study of the Road and Bridges Capital Program Budget.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Road and Bridges Capital Program Budget for fiscal year 2010 through 2012 identified as "Exhibit A" is hereby approved and adopted.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this _____ day of _____, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

Exhibit "A"

St. Charles Parish Council
Road & Bridge Capital Budget Program

Project	Funding Source	2010	2011	2012	Total
Priority 15	Parish Transportation Special Revenue - Fund 102	184,724			184,724
Priority 13	Parish Transportation Special Revenue - Fund 102	11,238			11,238
Priority 12	Parish Transportation Special Revenue - Fund 102	12,348			12,348
Priority 11	Parish Transportation Special Revenue - Fund 102	228,411			228,411
Priority 10	Parish Transportation Special Revenue - Fund 102	63,279			63,279
Priority 8	Parish Transportation Special Revenue - Fund 102	500,000	500,000	500,000	1,000,000
		500,000	500,000	500,000	1,500,000
Priority 10	Road & Drainage M&O Special Revenue - Fund 112	11,855			11,855
Priority 9	Road & Drainage M&O Special Revenue - Fund 112	864,781			864,781
Priority 8	Road & Drainage M&O Special Revenue - Fund 112	723,364			723,364
		1,600,000	-	-	1,600,000
Total Capital Budget		2,100,000	500,000	500,000	3,100,000

2010-0009

INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV
CAROLYN K. SCHEXNAYDRE, COUNCILWOMAN-AT-LARGE, DIVISION A
ORDINANCE NO. _____

An ordinance to amend the Code of Ordinances by adding Section 2-24. Department of Planning and Zoning Commission Agenda (a) to Chapter 2 Administration, Article II. Departments.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances be amended by adding Section 2-24. Department of Planning and Zoning Commission Agenda (a) to Chapter 2 Administration, Article II. Departments as follows:

- (a) The Planning and Zoning Director or their Representative shall provide the Planning and Zoning Commission Agenda to the Parish Council and the Planning and Zoning Commissioners no less than seven (7) days in advance of the scheduled Planning and Zoning Commission meeting.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this _____ day of _____, 2010 to become effective five (5) days after publication in the Official Journal.

Amend Code - Chapter 2, Section 2-24 P&Z Commission Agenda

CHAIRMAN: _____
SECRETARY: _____
DLVD/PARISH PRESIDENT: _____
APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____
RETD/SECRETARY: _____
AT: _____ RECD BY: _____

2010-0010

**INTRODUCED BY: CAROLYN K. SCHEXNAYDRE, COUNCILWOMAN-AT-LARGE, DIVISION A
PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV
DENNIS NUSS, COUNCILMAN, DISTRICT VII**

ORDINANCE NO. _____

An ordinance to amend the Code of Ordinances by adding Section 2-73. Consolidated Operating and Capital Budget to Chapter 2 Administration, Article IV. Finance, Div. 1. Generally.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances be amended by adding Section 2-73. Consolidated Operating and Capital Budget to Chapter 2 Administration, Article IV. Finance, Div. 1. Generally as follows:

Annual Operating Budget prepared by the Finance Department shall be presented to the Parish Council for review no less than thirty (30) days prior to the first budget hearing date.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this _____ day of _____, 2010 to become effective five (5) days after publication in the Official Journal.

Amend Code - Chapter 2, Section 2-73 Consolidated Operating Budget

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

2010-0022

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(GOVERNMENT BUILDINGS)

ORDINANCE NO. _____

An ordinance to approve and authorize the execution of a Contract with Zimmer – Eschette Service II, LLC for the 3rd Floor Prison Demolition at the St. Charles Parish Courthouse in Hahnville.

WHEREAS, the Parish opened bids on December 18, 2009 for the above referenced project; and,

WHEREAS, Sizeler Thompson Brown Architects Regional Design group, LLC, the Architect for the project, has reviewed said bids and recommends that the project be awarded to the low bidder, Zimmer – Eschette Service II, LLC, in the amount of \$311,785.73; and,

WHEREAS, it is the desire of the Parish Council to approve said Contract.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the bid of Zimmer – Eschette Service II, LLC for the 3rd Floor Prison Demolition at the St Charles Parish Courthouse is hereby approved and accepted in the amount of \$311,785.73.

SECTION II. That the Parish President is hereby authorized to execute said Contract on behalf of the Parish of St. Charles.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this _____ day of _____, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

SECTION 00500

AGREEMENT

THIS AGREEMENT is effective as of the day of in the year 20 by and between the Parish of St. Charles, called the OWNER, and Zimmer - Eschette Service, LLC hereinafter called the CONTRACTOR.

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE 1. WORK

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents for the above Project. The Work is generally described as follows:

The Contract Work generally comprises of the construction of

ARTICLE 2. ENGINEER

The Project has been designed by Sizeler Thompson Brown Architects who is hereinafter called ENGINEER and who will assume all duties and responsibilities and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE 3. CONTRACT TIME

- 3.1 The Contractor shall complete all of the Work under the Contract within 60 calendar days from the date of the Notice to Proceed.
- 3.2 Liquidated Damages - OWNER and CONTRACTOR recognize that the OWNER will suffer direct financial loss if Work is not completed within the Contract times specified in Paragraph 3.1 above plus any extensions thereof allowed in accordance with Article 12 of the General Conditions, and therefore, time is of the essence. They also recognize the delays, expense and difficulties involved in proving in a legal proceeding the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof, CONTRACTOR and Surety agree to forfeit and pay OWNER as liquidated damages for delay (but not as a penalty) the amount of (\$ 750.00) seven hundred fifty dollars for each calendar day that expires after the Contract Time specified in Paragraph 3.1 for final completion and ready for final acceptance until the Work is completed. These amounts represent a reasonable estimate of OWNER's expenses for extended delays and for inspection, engineering services and administrative costs associated with such delay. This provision shall be effective between the parties ipso facto and without demand or putting in default, it being

00500_rev2

00500-1

specifically agreed that the CONTRACTOR by his mere failure to complete the work on or before the date specified shall be deemed in default

ARTICLE 4. CONTRACT PRICE

CONTRACT PRICE: The amount to be paid to the Contractor by the Owner for completion of all work hereunder is: (\$311,185.73) Dollars based on unit prices specified within this contract document. Contract price is firm and subject only to modification by written change order agreed to by both parties.

ARTICLE 5. PAYMENT PROCEDURES

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

- 5.1 Progress payments. OWNER shall make progress payments which exceed \$5,000 on account of the Contract price on the basis of CONTRACTOR's Applications for Payment, as recommended by ENGINEER, on or about the thirtieth (30th) day following receipt by the OWNER. Applications for Payments less than \$5,000 shall be accumulated until the next payment period or until final payment.

Progress payments will be based upon estimated quantities of completed contract unit price items or upon estimated percentages of completion of the schedule of lump sum values of labor and materials incorporated into the Work on the last day of each month or other mutually agreed regular monthly date ending the progress payment period.

- 5.2 Retainage. Retainage shall be withheld and payments will be made by the OWNER in the payment amount of: 1) ninety percent (90%) of the approved payment applications for projects with contract prices of less than \$500,000; or 2) ninety-five percent (95%) of the approved payment applications for the projects with contract prices of \$500,000 or greater.
- 5.3 Final Acceptance and Final Payment. Upon the final completion of all Work, the CONTRACTOR may request a final inspection and may make a final Application for Payment as provided by Paragraph 14.12 of the General Conditions, upon the OWNER's certificate of final acceptance.

Final acceptance of the Work, based upon the certificate of final acceptance, shall be by resolution of the Council of the Parish of St. Charles.

When substantial completion is granted by the Owner, the Certificate of Substantial Completion is then transmitted to the Contractor for filing with the recorder of mortgages of the Parish of St. Charles. This begins the not less than forty-five (45) day lien period as prescribed for Public Works by Louisiana Revised Statutes 38:2242.

At the expiration of the lien period it is the CONTRACTOR's responsibility to obtain a certificate from the Recorder of Mortgages of the Parish of St. Charles that the Contract is clear of any liens or privileges, and said certificate shall be presented to the OWNER for final payment and release of retainage, less any such sums as may be lawfully withheld under the Contract.

ARTICLE 6. CONTRACTOR'S REPRESENTATIONS

In order to induce OWNER to enter into this Agreement, CONTRACTOR makes the following representations:

- 6.1 CONTRACTOR has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and laws and regulations that in any manner may affect cost, progress, performance or finishing of the Work.
- 6.2 CONTRACTOR has studied carefully all reports of explorations and tests of subsurface physical conditions and drawings of physical conditions which are identified in the Information Available To Bidders and as provided in the General Conditions.
- 6.3 CONTRACTOR has obtained and carefully studied (or assumed responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests, reports and studies (in addition to or to supplement those referred to in Paragraph 6.2 above) which pertain to the subsurface or physical conditions at or contiguous to the site or which otherwise may affect the cost, progress, performance or furnishing of the Work as CONTRACTOR considers necessary for the performance or furnishing of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of Paragraph 4.2 of the General Conditions. In exercising its responsibility with respect to subsurface conditions and physical conditions at the site, CONTRACTOR has or will obtain or perform at no additional cost to the OWNER such additional examinations, investigations, explorations, tests, reports, studies, or similar information or data as may be required by CONTRACTOR for such purposes.

ARTICLE 7. CONTRACT DOCUMENTS

The following Contract Documents, which comprise the entire Agreement between OWNER and CONTRACTOR, are all hereby made a part of that Agreement to the same extent as if incorporated herein in full:

- 7.1 Agreement
- 7.2 Construction Performance and Payment Bond and Insurance Certificates
- 7.3 Advertisement for Bids
- 7.4 CONTRACTOR's Bid Form
- 7.5 Addenda (Numbers 1 to 3 inclusive)

- 7.6 Contract documents bearing the general title ^{Courthouse} "St. Charles Parish 3rd Floor Prison Demolition" dated November 5, 2009.
- 7.7 Drawings, consisting of a cover sheet dated November 5, 2009 and the sheets listed on Drawing G 101 -; each sheet bearing the following general title:
"St. Charles Parish Courthouse 3rd Floor Prison Demolition".
- 7.8 General Conditions
- 7.9 General Conditions, pages 00700-1 through 00700-31 and Section 00800, Supplementary Conditions, pages 00800-1 through 00800-25, and Second Supplementary Conditions have been adopted by the St. Charles Parish Council as a Standard General Conditions and Supplementary Conditions for Construction Contracts. Those General Conditions and Supplementary Conditions are to be referred to in the agreement and contract as "GEN.COND, CONST - 7/98 filed in MOB 682, Folio 230 filed with the St. Charles Parish Clerk of Court."

There are no Contract Documents other than those listed above in this Article 7. The Contract may only be amended, modified or supplemented as provided for in the General Conditions.

ARTICLE 8. MISCELLANEOUS

- 8.1 General Conditions, pages 00700-1 through 00700-31 and Section 00800, Supplementary Conditions, pages 00800-1 through 00800-25, and Second Supplementary Conditions have been adopted by the St. Charles Parish Council as a Standard General Conditions and Supplementary Conditions for Construction Contracts. Those General Conditions and Supplementary Conditions are to be referred to in the agreement and contract as "GEN.COND, CONST - 7/98 filed in MOB 682, Folio 230 filed with the St. Charles Parish Clerk of Court."
- 8.2 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and, unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents. Notwithstanding the foregoing, the OWNER may assign this contract to the State of Louisiana or any political subdivision, municipality, special district or authority thereof without CONTRACTOR's consent and without recourse.
- 8.3 OWNER and CONTRACTOR each binds himself, his partners, successors, assigns and legal representatives to the other party hereto, his partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

- 8.4 It is hereby agreed and understood by the parties hereto that any and all disputes that may result in litigation shall be litigated in the 29th Judicial District Court for the Parish of St. Charles.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement effective as of the date first written above. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR or by ENGINEER on their behalf.

OWNER: Parish of St. Charles

CONTRACTOR:

By _____

By _____

Title _____

Title _____

Attest _____

Attest _____

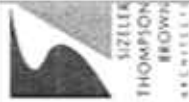
END OF SECTION

Bid Tabulation Form

Job Title: St. Charles Parish Courthouse – 3rd Floor Prison Demolition

Job Number: SA21095.00

Bid Date: December 18, 2009



Regional Design Group, LLC
300 Lafayette Mall, Suite 200
New Orleans, LA 70130
Ph. 504.523.6472 Fax 504.529.1181

	Contractor/ License No.	Base Bid	Acknowledged Receipt of Addendum (insert yes/no or check off)		
			1	2	3
1	Zimmer-Eschette Service II LLC License # 50786/250418	\$ 311,785.73	✓	✓	✓
2	Hamp's Enterprises, Inc. License # 19314	\$			
3	Gulf Services Contracting, Inc. License # 25548	\$			
4	Concrete Busters of Louisiana, Inc. License # 18413	\$ 383,261.00	✓	✓	✓
5	Dynamite Trucking License # 48247	\$			
6	Constructco, Inc. License # 30782	\$			
7	Civil Construction Contractors, LLC License # 18794	\$ 545,000.00	✓	✓	✓
8	Young's General Contracting, Inc. License # 40374	\$			



**REGIONAL
DESIGN
GROUP, LLC**

December 23, 2009

Mr. Tim Vial
Chief Administrative Officer
St. Charles Parish
P. O. Box 302
Hahnville, LA 70057

Re: St. Charles Parish Courthouse - 3rd Floor Prison Demolition
St. Charles Parish - Hahnville, Louisiana
STBA# 21095.00

PROJECT
design group, llc
REGIONAL
design group, llc
HEALTHCARE
design group, llc

Dear Mr. Vial:

We have reviewed the bids taken December 18th for the St. Charles Parish Courthouse - 3rd Floor Prison Demolition (STBA #21095.00). The apparent low bid for the Base Bid contract was received from Zimmer-Eschette Service II LLC for \$311,785.73. No bid alternates or unit prices were requested for this project.

The bid form and supporting documentation submitted by Zimmer-Eschette Service II LLC appear to be in compliance with the requirements of the Contract Specifications. Therefore, based on our review, we recommend that the construction contract for the project be awarded to Zimmer-Eschette Service II LLC for the Base Bid amount.

Please note that no other analysis of the low bidder, other than review of documentation submitted with the bid, was completed by our firm. We recommend, should any additional information regarding the low bidder's financial status, etc. be required, that the Parish Attorney's office and/or Purchasing Department review further.

A Professional
Corporation

Sincerely,

Sizeler Thompson Brown Architects
Regional Design Group, LLC

Brian E. Fauchaux, AIA, LEED AP
Principal

/bef

300 Lafayette Street
Suite 200
New Orleans, LA
70130

office (504) 523-6472
fax (504) 529-1181

Celebrating **30** Years

2010-0023

INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV
ORDINANCE NO. _____

An ordinance to amend Ordinance No. 09-12-6 which named an unnamed private road Ruby Lane to correct the address from 16271 Old Spanish Trail in Des Allemands to 16721 Old Spanish Trail in Des Allemands.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. Ordinance No. 09-12-6 adopted December 21, 2009 by the St. Charles Parish Council naming an unnamed private road Ruby Lane to correct the address from 16271 Old Spanish trail in Des Allemands to 16721 Old Spanish Trail in Des Allemands.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this _____ day of _____, 2010 to become effective five (5) days after publication in the Official Journal.

Ruby Lane revised

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

2010-0024

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(DEPARTMENT OF PLANNING & ZONING)

ORDINANCE NO. _____

An ordinance to approve and authorize the execution of an Act of Donation by Landcraft, Inc. to St. Charles Parish for a certain parcel of property, identified as Lot 1AA, Highland Oaks Subdivision, Phase 3, in St. Rose.

WHEREAS, on June 15, 2009 the St. Charles Parish Council adopted Ordinance No. 09-6-9 which approved and accepted the Act of Dedication by Landcraft, Inc. for Highland Oaks Subdivision, Phase 3; and,

WHEREAS, said Lot 1AA of said subdivision is located adjacent to Lot 1A of Square 1A, Fairfield Plantation Oaks Subdivision in St. Rose, which was acquired by St. Charles Parish by Ordinance No. 66-3-226 adopted by the St. Charles Parish Police Jury on May 10, 1976; and,

WHEREAS, it is the desire of the Parish Council to approve said Act of Dedication.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Act of Donation by Landcraft, Inc. to St. Charles Parish for Lot 1AA, of Highland Oaks Subdivision, Phase 3 located adjacent to Lot 1A of Square 1A, Fairfield Plantation Oaks Subdivision in St. Rose is hereby approved.

SECTION II. That the Parish President is hereby authorized to execute said Act of Donation on behalf of St. Charles Parish.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this _____ day of _____, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

ACT OF DONATION

UNITED STATES OF AMERICA

BY: LANDCRAFT, INC.

STATE OF LOUISIANA

TO: ST. CHARLES PARISH

PARISH OF ST. CHARLES

BE IT KNOWN, that on the dates set forth below in the year of Our Lord two thousand ten (2010).

BEFORE THE UNDERSIGNED NOTARIES PUBLIC, duly commissioned and qualified, in and for their respective Parishes and State therein residing, and in the presence of the witnesses hereinafter named and undersigned:

PERSONALLY CAME AND APPEARED:

LANDCRAFT, INC. (TIN#-***7250)**, a Louisiana corporation whose mailing address is 107 Fairway Drive, LaPlace, Louisiana 70068, represented herein by Joseph M. Scontrino, per a resolution of its Board of Directors, a copy of which attached hereto and made a part hereof;

hereinafter referred to as **DONOR**, which declared that, in consideration of the settlement of a pending dispute concerning the ownership and possession of the following described property, it does by these presents donate, give, grant, bargain, convey, transfer, assign, set over, abandon and deliver, without any warranties whatsoever, but with full substitution and subrogation in and to all the rights and actions of warranty which it has or may have against all preceding owners and vendors, unto:

ST. CHARLES PARISH, a political subdivision of the State of Louisiana, herein represented by its President, V. J. St. Pierre, Jr. and whose mailing address is P. O. Box 302, Hahnville, Louisiana, 70057; and pursuant to File No. _____, Ordinance No. _____ adopted by the St. Charles Parish Council on _____, a copy of which is attached hereto and made a part hereof;

hereinafter referred to as **DONEE**, here present accepting for itself, its successors and assigns, and acknowledging due delivery and possession thereof, all and singular the following described property, to-wit:

ONE CERTAIN LOT OR PORTION OF GROUND, together with all of the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of St. Charles, State of Louisiana, in that part thereof known as Highland Oaks Subdivision in Section 39, T12S – R9E being designated as **LOT 1AA** on a Survey Plat and Resubdivision to dispose of a gap of land of an undesignated portion of Highland Oaks Subdivision Phase 3, which Survey Plat was drawn by Riverlands Surveying Company, dated November 19, 2008 and recorded at Entry No. 353091 COB 730 folio 466, and according to which the property conveyed herein measures 219.56' along the rear boundary of Lot 1A of

Fairfield Plantation Oaks Subdivision Square 1A (which fronts on Stephen Drive), with a width in the rear of 217.05', with a depth next to Lot 2AA of 5.16', and a depth along the opposite sideline of 6.09', which said Lot 1AA has been further resubdivided into Lot 1A-1 according to that certain Survey Plat and Resubdivision by Riverlands Surveying Company dated August 26, 2009 and recorded at COB ___, folio _____.

TO HAVE AND TO HOLD the above described property unto the said Donee, its successors and assigns forever. Donee accepts this donation, with gratitude, of the above described property and acknowledge delivery and possession thereof.

All parties hereby agree to waive the production of tax and mortgage certificates and hereby relieve and release the undersigned notaries for any liability regarding their non-production. Should any zoning, planning or other Parish ordinances affect this transfer, the parties hereto relieve the undersigned notaries from any liability or for any responsibility to determine or see to compliance of these regulations. The parties hereto further relieve said notaries from any liability or for any responsibility to determine the wetland delineation or flood zone determination pertaining to the above described property.


The parties hereto declare that they have not requested an Environmental Site Assessment and/or Environmental Impact Study of the herein conveyed property; nor have they requested any kind of study or evaluation of the property or the buildings thereon for any harmful pollutant or noxious substances (including asbestos); nor have they requested any opinion or evaluation of the usability of said property due to any considerations of the environment (including a declaration that the said property is "wetlands"). The parties further acknowledge that said Notaries have advised them of the availability of obtaining any of the above evaluations or studies and they have chosen to proceed without such studies; and they do hereby relieve and release said notaries from any responsibility in connection therewith.

No title examination was requested of or made by the undersigned notaries and the parties hereto hereby relieve and release said notaries from any and all liability in connection therewith.

As the context herein may require, the singular shall be deemed to include the plural and the masculine form shall be deemed to include the feminine and neuter.

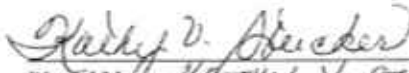
THUS DONE AND PASSED in St. ^{John}~~Charles~~ Parish, State of Louisiana, on the ^{5th}~~5th~~ day of January, 2010, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers, and me, Notary, after reading of the whole.


WITNESSES:


Printed Name Clint Szubinski

DONOR


LANDCRAFT, INC.


Printed Name KATHY V. STUCKER


NOTARY PUBLIC
Printed Name: PAMELA L. LAVAL
NOTARY ID# _____

PAMELA L. LAVAL
NOTARY PUBLIC
ST JOHN THE BAPTIST PARISH, LA.
#57172

THUS DONE AND PASSED in St. Charles Parish, State of Louisiana, on the ____ day of _____, 2010, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers, and me, Notary, after reading of the whole.

WITNESSES:

ACCEPTANCE BY DONEE:
ST. CHARLES PARISH

Printed Name _____

BY: V. J. ST. PIERRE, JR.
PARISH PRESIDENT

Printed Name _____

NOTARY PUBLIC
Printed Name: _____
NOTARY ID# _____

CERTIFICATE OF AUTHORITY
OF
LANDCRAFT, LLC

A meeting of the members of LANDCRAFT, LLC was held on this 1st day of April, 2009, at the municipal address of the limited liability company in the Parish of St. John the Baptist, State of Louisiana, after due notice, will all members present and voting. The following Resolution was adopted unanimously.

BE IT HEREBY RESOLVED, that **Joseph M. Scontrino, III** is hereby authorized and empowered for and on behalf of this company to donate, give, grant, bargain, convey, transfer, assign, set over, abandon and deliver property for such terms and conditions as he deems fit and proper.

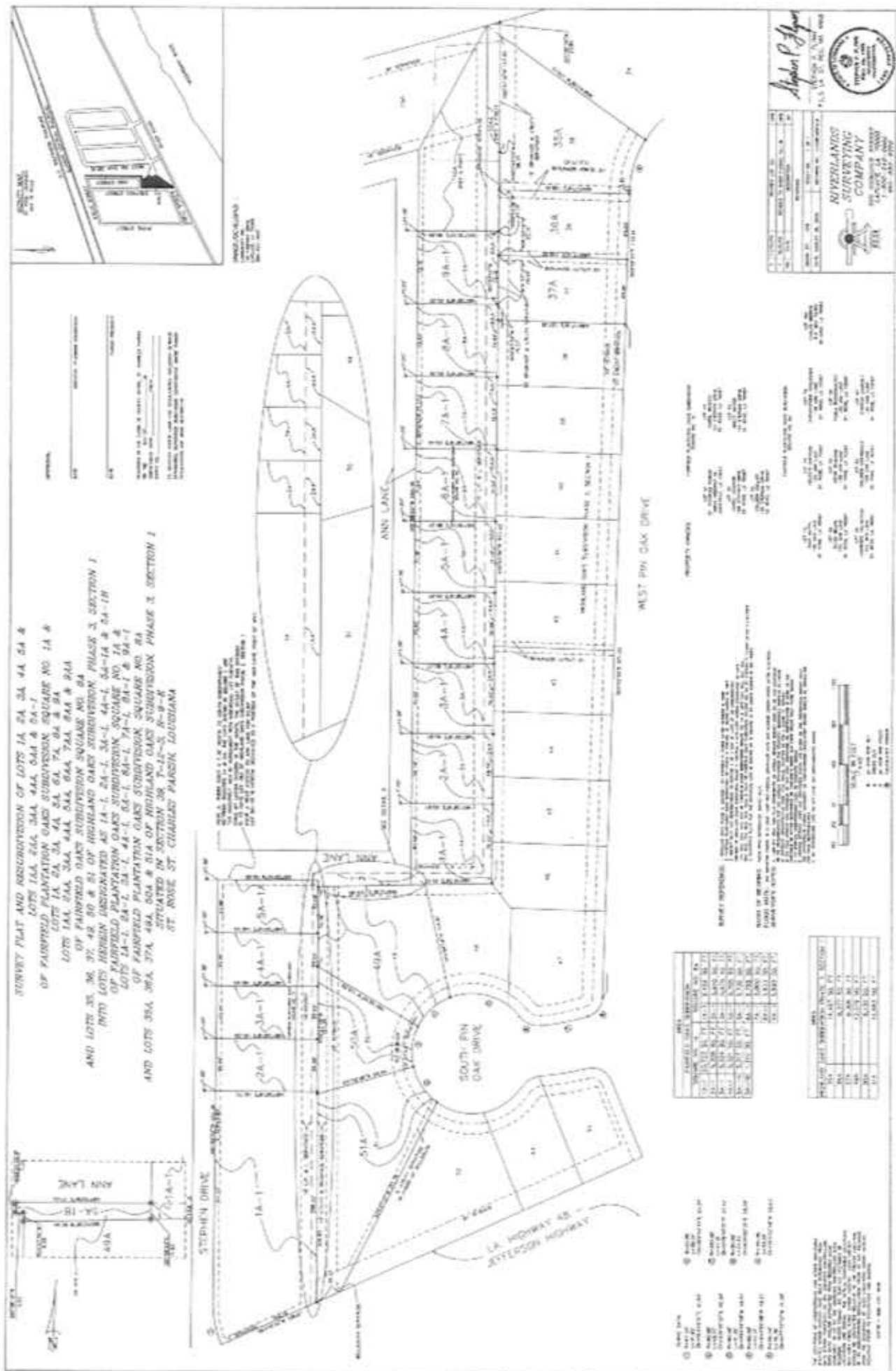
BE IT FURTHER RESOLVED that the said **Joseph M. Scontrino, III** is hereby authorized to sell property on behalf of this company; to do any and all things they deem fit and proper in that capacity.

BE IT FURTHER RESOLVED that the said **Joseph M. Scontrino, III** is hereby authorized to sign and execute on behalf of this company any and all documents, notarial acts, or other instruments in order to carry out the purpose of this Certificate of Authority; to do any and all other things as they, in their sole discretion, deem fit or proper to carry out this Certificate of Authority.

I, the undersigned Managers of LANDCRAFT, LLC do hereby certify that the above and foregoing is a true and correct copy of an Excerpt of the Minutes of a meeting of the managers held at the municipal address of the limited liability company of the 1st day of April, 2009, with all managers present and voting.



Joseph M. Scontrino, III, Member



St. Charles Parish Council Chairman
P. O. Box 302
Hahnville, LA 70057
(985) 783-5000

Today's Date:

Dear Chairman:

Please place my name to address the Council on:

DATE: 1-25-10

SPECIFIC TOPIC: TIM VIAL - CONFLICT OF INTEREST

(*see specific
guidelines on
reverse and
refer to
Parish Charter-
Article VII., Sec. I.)

FALSIFYING PUBLIC RECORDS

DOCUMENTS, IF ANY: ☒ YES ☐ NO LETTER ALREADY SENT IN

NAME: DALIS RIRMIN

MAILING ADDRESS: 716 SAINT ROSA AVE

SAINT ROSE, LA 70057

PHONE: 504-383-5452

SIGNATURE: *Dalís Rirmin*

Dear Constituent:

Thank you for your active participation. Your views and comments will be considered by the Council in making our decisions. The Council has a considerable amount of business to conduct in a limited amount of time, therefore, please note the following items that are expected of you:

- The Home Rule Charter provides for citizens to address the Council. It makes no provision for initiating debate, discussion, or question and answer sessions with Councilmembers or Administration Officials. Your right is also guaranteed to examine public documents as you prepare your presentation. Should you have any questions for Councilmembers and/or Department Heads as you prepare, please forward such inquiries to the Council Office to insure a timely response. Should you wish to speak to any Official or Department personally, a complete list of contact information will be furnished at your request.
- Please be brief and limit your comments to the specific subject matter on which you have requested to address the Council.
- Please forward supporting documents to the Council Secretary for distribution to the Parish Council before your scheduled appearance in order for the Council to prepare themselves, if necessary.
- Upon completion of your allotted time to address the Council, please respect the time given to Councilmembers to respond to your comments by not interrupting or interjecting remarks.
- **Slanderous remarks and comments will not be tolerated.** If slanderous remarks or comments are made, your opportunity to address the Council will end, regardless of the remaining time left to address the Council.
- Repetitious comments and subject matter will be strictly limited.

A confirmation letter will follow when your name is placed on the agenda.

Sincerely,

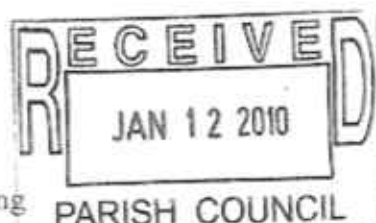
Billy Raymond, Sr.

BILLY RAYMOND, SR.
COUNCIL CHAIRMAN

(OVER)

Dale Firmin
 716 Saint Rose Avenue
 Saint Rose, Louisiana 70087
 December 11, 2009

Saint Charles Parish Council Secretary
 Saint Charles Parish Courthouse
 P.O. Box 302
 Hahnville, Louisiana 70057



Subject: Request to Speak at Next Available Parish Council Meeting

Re: Falsifying Public Records, Criminal Malfeasance in Office, Conflict of Interest, Conspiracy, Misappropriation of Government Funds in regards to Chief Administrative Officer, Mr. Tim Vial.

Dear Sir or Madam:

Please consider this my request to address the Parish Council at the very next public meeting. Please include a copy of this letter to all council members and the parish president.

As you know, I have submitted proof that the contract for the East Regional Expansion Project knowingly contains false information submitted for the purpose of illegally having the contract transferred from CSRS, Inc., the firm awarded the contract, to Chenevert Architects, LLC, a firm not even incorporated or licensed at the time. Norman Chenevert was deposed on Friday, January 8, 2010 and confessed, under oath, that the author of the contract was Mr. Tim Vial. I believe that this constitutes a conflict of interest and criminal malfeasance as well as conspiracy and intentionally falsifying public records—all serious felonies. Since Chenevert Architects, LLC did not exist as a corporation or a legally licensed business, I believe that this also constitutes misappropriation of government funds and conspiracy to do the same on Mr. Vial's part.

The sworn deposition should be available by the time of the council meeting and I will present a copy of it in as far advanced as possible, or extracts from it, to be presented to the council members and entered into the public record. A separate public records request is being submitted. I am inviting U.S. District Attorney, Mr. Jim Letten, or someone from his staff, to be present. I ask that Mr. Tim Vial to be present to answer the allegations.

Sincerely,

Dale Firmin

cc: U.S. District Attorney, Jim Letten
 Attorney, R. David Brown

2010-0027

**INTRODUCED BY: ST. CHARLES PARISH COUNCIL
RESOLUTION NO. _____**

A resolution authorizing the issuance of a Special License to West St. John High School Band Booster Club to conduct a Super Bingo.

WHEREAS, Parishes of the State of Louisiana are authorized to issue special licenses for super bingos pursuant to the authority granted by L.R.S. 4861.7; and,

WHEREAS, Section II.D. of Ordinance 89-4-2 provides that the Parish Council may issue by resolution special licenses for the conduct of bingo sessions at which the total amount of prizes to be awarded shall not exceed twenty-five thousand dollars (\$25,000.00) in cash or other thing(s) of value.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby authorize the issuance of a Special License to West St. John High School Band Booster Club to conduct a Super Bingo on Thursday, February 4, 2010, with the total amount of prizes to be awarded not exceeding Fifteen Thousand dollars (\$15,000.00).

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

And the resolution was declared adopted this _____ day of _____, 2010, to become effective five (5) days after publication in the Official Journal.

SuperBingo-West St. John HS Band Feb 2010

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

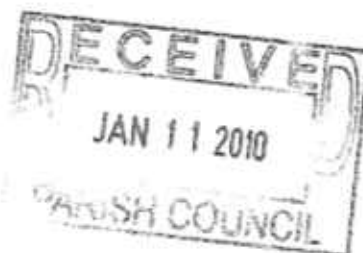
PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

December 17, 2009

ST. CHARLES PARISH COUNCIL
P. O. BOX 302
HAHNVILLE, LA 70057



ATTN: BINGO COMMITTEE

RE: WEST ST. JOHN HIGH SCHOOL BAND BOOSTER CLUB
P. O. BOX 24
BOUTTE, LA 70049

PLEASE ALLOW OUR ORGANIZATION TO BE PLACED ON YOUR UPCOMING
BINGO AGENDA FOR THE APPROVAL TO SPONSOR A "SUPER BINGO"

SUPER BINGO PRIZE AMOUNT WILL NOT EXCEED A TOTAL OF \$15,000.00.
SPECIAL GAME WILL BE HELD ON THURSDAY, FEBRUARY 4TH, 20~~10~~ FROM
5:00 PM TO 11:00 PM. 2010

ANY QUESTIONS ON THE ABOVE MENTIONED --- PLEASE CALL: MONNA
GREEN AT (985) 956-2911.

THANKING YOU FOR YOUR PROMPT ATTENTION TO THE ABOVE.

SINCERELY,

A handwritten signature in cursive script that reads "Monna Green".

MONNA GREEN
PRESIDENT

2010-0028

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(DEPARTMENT OF WASTEWATER)**

RESOLUTION NO.

A resolution notifying the Louisiana Department of Environmental Quality that the St. Charles Parish Department of Wastewater has reviewed the Municipal Water Pollution Prevention Environmental Audit Report for **LA0073539 AI39862 – Destrehan Wastewater Treatment Plant**, and set forth the required action.

WHEREAS, the Louisiana Department of Environmental Quality Municipal Water Pollution Prevention Environmental Audit Report Program is designed to encourage municipal wastewater facilities to provide compliance maintenance prior to becoming noncompliant; and,

WHEREAS, it is necessary to submit the Environmental Audit to the Louisiana Department of Environmental Quality along with this resolution.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby notify the Louisiana Department of Environmental Quality that the St. Charles Parish Department of Wastewater has reviewed the Municipal Water Pollution Prevention Environmental Audit Report and sets forth the following action necessary to maintain permit requirements contained in Destrehan, WWTP.

- a. The Department has a Capacity, Management, Operation and Maintenance (CMOM) Program in place, which consists of a continuous program of monitoring, smoke testing and upgrading of existing sewer collection lines. The Department also uses its TV camera equipment to inspect the gravity lines in the system.
- b. The Department has a preventive maintenance program. This program consists of upgrading and rehabilitation of manholes, collection lines and lift stations including control panels.
- c. Domestic waste from the communities/areas of Destrehan, Montz, Norco, New Sarpy, and St. Rose is treated through the Destrehan WWTP.
- d. In accordance with the conditions of the LDEQ State Revolving Loan Fund, the Wastewater Department will continue to replace manholes and sewer collection system lines that are old and dilapidated to prevent excessive inflow and infiltration causing overflows, bypasses and permit violations.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

And the resolution was declared adopted this _____ day of _____, 2010, to become effective five (5) days after publication in the Official Journal.

WSTEWATERALD-Dest 2010

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

LOUISIANA
MUNICIPAL WATER
POLLUTION PREVENTION
MWPP



<i>Facility Name:</i>	St. Charles Parish Council Destrehan Wastewater Treatment Plant
<i>LPDES Permit Number:</i>	LA 0073539
<i>Agency Interest (AI) Number:</i>	AI 39862
<i>Address:</i>	Post Office Box 302
	Hahnville, Louisiana 70057
<i>Parish:</i>	St. Charles
<i>(Person Completing Form) Name:</i>	Angela Troxler
<i>Title:</i>	Laboratory Coordinator
<i>Date Completed:</i>	December 30, 2009

Permit #: LA0073539

PART I: INFLUENT FLOW LOADINGS (all plants)

A. List the average monthly volumetric flows and BOD loadings received at your facility during the last reporting year.

Column 1 Average Monthly Flow (million gallons per day, MGD)		Column 2 Average Monthly BOD5 Concentration (mg/l)		Column 3 Average Monthly BOD5 Loading (pounds per day, lb/day)
2.815	x	1890	x 8.34 =	44,372
1.988	x	353	x 8.34 =	5,853
3.387	x	240	x 8.34 =	6,779
3.282	x	247	x 8.34 =	6,761
2.948	x	273	x 8.34 =	6,712
2.333	x	159	x 8.34 =	3,094
2.333	x	185	x 8.34 =	3,600
2.45	x	122	x 8.34 =	2,493
2.829	x	76	x 8.34 =	1,793
3.927	x	111	x 8.34 =	3,635
4.762	x	131	x 8.34 =	5,203
3.0	x	102	x 8.34 =	2,552

BOD loading = Average Monthly Flow (in MGD) x Average Monthly BOD concentration (in mg/l) x 8.34

B. List the design flow and design BOD loading for your facility in the blanks below. If you are not aware of these design quantities, refer to your Operation and Maintenance (O&M) Manual or contact your consulting engineer.

Design Flow, MGD:	4.4	x 0.90 =	3.96
Design BOD, lb/day:	5,504	x 0.90 =	4,954

Permit #:

LA0073539

- C. How many months did the monthly flow (Column 1) to the wastewater treatment facility (WWTF) exceed 90% of design flow? Circle the number of months and the corresponding point total. Write the point total in the box below at the right.

months	0	①	2	3	4	5	6	7	8	9	10	11	12
points	0	①	0	0	0	5	5	5	5	5	5	5	5

Write 0 or 5 in the C point total box C Point Total

- D. How many months did the monthly flow (Column 1) to the WWTF exceed the design flow? Circle the number of months and corresponding point total. Write the point total in the box below at the right.

months	0	①	2	3	4	5	6	7	8	9	10	11	12
points	0	⑤	5	10	10	15	15	15	15	15	15	15	15

Write 0, 5, 10 or 15 in the D point total box D Point Total

- E. How many months did the monthly BOD loading (Column 3) to the WWTF exceed 90% of the design loading? Circle the number of months and corresponding point total. Write the point total in the box below at the right.

months	0	1	2	3	4	5	⑥	7	8	9	10	11	12
points	0	0	5	5	5	10	⑩	10	10	10	10	10	10

Write 0, 5, or 10 in the E point total box E Point Total

- F. How many months did the monthly BOD loading (Column 3) to the WWTF exceed the design loading? Circle the number of months and corresponding point total. Write the point total in the box below at the right.

months	0	1	2	3	4	⑤	6	7	8	9	10	11	12
points	0	10	20	30	40	⑤0	50	50	50	50	50	50	50

Write 0, 10, 20, 30, 40 or 50 in the F point total box F Point Total

- G. Add together each point total for C through F and place this sum in the box below at the right.

TOTAL POINT VALUE FOR PART 1: (max = 80)

Also enter this value or 80, whichever is less, on the point calculation table on page 16.

Permit #:

LA0073539

PART 2: EFFLUENT QUALITY PLANT PERFORMANCE

- A. List the monthly average effluent BOD and TSS concentrations produced by your facility during the last reporting year.

Month	Column 1 Average Monthly BOD (mg/l)	Column 2 Average Monthly TSS (mg/l)
December 2008	5	3
January 2009	3	2
February 2009	2	3
March 2009	3	2
April 2009	3	3
May 2009	2	2
June 2009	3	3
July 2009	3	2
August 2009	2	2
September 2009	2	2
October 2009	3	2
November 2009	2	2

- B. List the monthly average permit limits for your facility in the blanks below.

	Permit Limit		90% of Permit Limit
BOD, mg/l	30.0	$\times 0.90 =$	27.0
TSS, mg/l	30.0	$\times 0.90 =$	27.0

Permit #:

LA 0073539

C. Continuous Discharge to Surface Water.

- i. How many months did the effluent BOD (Column 1) exceed 90% of the permit limits? Circle the number of months and the corresponding point total. Write the point total in the box below at the right.

months	0	1	2	3	4	5	6	7	8	9	10	11	12
points	0	0	10	20	30	40	40	40	40	40	40	40	40

Write 0, 10, 20, 30 or 40 in the i point total box i Point Total

- ii. How many months did the effluent BOD (Column 1) exceed permit limits? Circle the number of months and corresponding point total. Write the point total in the box below at the right.

months	0	1	2	3	4	5	6	7	8	9	10	11	12
points	0	5	5	10	10	10	10	10	10	10	10	10	10

Write 0, 5, or 10 in the ii point total box ii Point Total

- iii. How many months did the effluent TSS (Column 2) exceed 90% of the permit limits? Circle the number of months and the corresponding point total. Write the point total in the box below at the right.

months	0	1	2	3	4	5	6	7	8	9	10	11	12
points	0	0	10	20	30	40	40	40	40	40	40	40	40

Write 0, 10, 20, 30 or 40 in the iii point total box iii Point Total

- iv. How many months did the effluent TSS (Column 2) exceed permit limits? Circle the number of months and corresponding point total. Write the point total in the box below at the right.

months	0	1	2	3	4	5	6	7	8	9	10	11	12
points	0	5	5	10	10	10	10	10	10	10	10	10	10

Write 0, 5, or 10 in the iv point total box iv Point Total

- v. Add together each point total for i through iv and place this sum in the box below at the right.

TOTAL POINT VALUE FOR PART 2: (max = 100)

Also enter this value or 100, whichever is less, on the point calculation table on page 16.

Permit #:

LA 0073539

D. Other Monitoring and Limitations

- i. At any time in the past year was there an exceedance of a permit limit for other pollutants such as: ammonia-nitrogen, phosphorus, pH, total residual chlorine, or fecal coliform?

✓ Check one box.

☐ Yes☒ No*If Yes, Please describe:*

- ii. At any time in the past year was there a "failure" of a Biomonitoring (Whole Effluent Toxicity) test of the effluent?

✓ Check one box.

☐ Yes☒ No*If Yes, Please describe:*

- iii. At any time in the past year was there an exceedance of a permit limit for a toxic substance?

✓ Check one box.

☐ Yes☒ No*If Yes, Please describe:*

Permit #:

LA 0073539

PART 3: AGE OF THE WASTEWATER TREATMENT FACILITY

- A. What year was the wastewater treatment facility constructed or last major expansion/improvements completed?

2000

Current Year - Answer to A = Age in years

2009

2000

9

Enter Age in Part C below.

- B. ☒ Check the type of treatment facility that is employed.

FACTOR:

<u>X</u>	Mechanical Treatment Plant (trickling filter, activated sludge, etc...) Specify Type: <u>Activated Sludge</u>	2.5
<u> </u>	Aerated Lagoon	2.0
<u> </u>	Stabilization Pond	1.5
<u> </u>	Other Specify Type: <u> </u>	1.0

- C. Multiply the factor listed next to the type of facility your community employs by the age of your facility to determine the total point value for Part 3.

TOTAL POINT VALUE FOR PART 3 =

$$\frac{2.5}{\text{Factor}} \times \frac{9}{\text{Age}} = \boxed{22.5} \text{ (max = 50)}$$

Also enter this value or 50, whichever is less, on the point calculation table on page 16.

- D. Please attach a schematic of the treatment plant.

Permit #:

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PART 4: OVERFLOWS AND BYPASSES**A.**

- i. List the number of times in the last year there was an overflow, bypass or unpermitted discharge of untreated or incompletely treated wastewater due to heavy rain:

6 ✓ Check one box. ☐ 0 = 0 points ☐ 3 = 15 points
☐ 1 = 5 points ☐ 4 = 30 points
☐ 2 = 10 points ☒ 5 or more = 50 points

- ii. List the number of bypasses, overflows or unpermitted discharges shown in A (i) that were within the collection system and the number at the treatment plant

Collection System: 6 Treatment Plant: 0

B.

- i. List the number of times in the last year there was an overflow, bypass or unpermitted discharge of untreated or incompletely treated wastewater due to equipment failure, either at the treatment plant or due to pumping problems in the collection system:

50 ✓ Check one box. ☐ 0 = 0 points ☐ 3 = 15 points
☐ 1 = 5 points ☐ 4 = 30 points
☐ 2 = 10 points ☒ 5 or more = 50 points

- ii. List the number of bypasses, overflows or unpermitted discharges shown in B (i) that were within the collection system and the number at the treatment plant

Collection System: 45 Treatment Plant: 5

- C. Specify whether the bypasses came from the city/village/town sewer system or from contract or tributary communities/sanitary districts, etc...

City Sewer System

- D. Add the point values checked for A and B and place the total in the box below.

TOTAL POINT VALUE FOR PART 4: 100 (max = 100)

Also enter this value or 100, whichever is less, on the point calculation table on page 16.

- E. List the person responsible (name and title) for reporting overflows, bypasses or unpermitted discharges to State and Federal authorities:

Sammy Accardo, Assistant Director of Wastewater

Describe the procedure for gathering, compiling and reporting:

Overflows, bypasses and unpermitted discharges are submitted by the operator and reported to the appropriate agencies (SPOC, DEQ and EPA).

Permit #:

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PART 5: SLUDGE STORAGE AND DISPOSAL SITES**A. Sludge Storage**

How many months of sludge storage capacity does your facility have available, either on-site or off-site?

Circle the number of months and the corresponding point total. Write the point total in the box below at the right.

<i>months</i>	<2	2	3	4-5	>6
<i>points</i>	50	30	20	10	0

Write 0, 10, 20, 30 or 40 in the A point total box

0

A Point Total

B. For how many months does your facility have access to (and approval for) sufficient land disposal sites to provide proper land disposal?

Circle the number of months and the corresponding point total. Write the point total in the box below at the right.

<i>months</i>	<2	6-11	12-23	24-35	>36
<i>points</i>	50	30	20	10	0

Write 0, 10, 20, 30 or 40 in the B point total box

0

B Point Total

C. Add together the A and B point values and place the sum in the box below at the right:**TOTAL POINT VALUE FOR PART 5:**

0

(max = 100)

Also enter this value or 100, whichever is less, on the point calculation table on page 16.

Permit #: LA 0073539

PART 6: NEW DEVELOPMENT

- A. Please provide the following information for the total of all sewer line extensions which were installed during the last year.

Design Population: 44,000
 Design Flow: 4.4 MGD
 Design BOD: 30-45 mg/l

- B. Has an industry (or other development) moved into the community or expanded production in the past year, such that either flow or pollutant loadings to the sewerage system were significantly increased (5% or greater)?

✓ Check one box. ☐ Yes = 15 points ☒ No = 0 points

If Yes, Please describe:

List any new pollutants:

None

- C. Is there any development (industrial, commercial or residential) anticipated in the next 2-3 years, such that either flow or pollutant loadings to the sewerage system could significantly increase?

✓ Check one box. ☐ Yes = 15 points ☒ No = 0 points

If Yes, Please describe:

List any new pollutants you anticipate:

None

- D. Add together the point value checked in B and C and place the sum in the box below.

TOTAL POINT VALUE FOR PART 6: 0 (max = 30)

Also enter this value or 30, whichever is less, on the point calculation table on page 16.

Permit #: LA0073539

PART 7: OPERATOR CERTIFICATION AND EDUCATION

- A. What was the name of the operator-in-charge for the reporting year?
Name: Herschel Hill
- B. What is his or her certification number:
Cert.#: 17-215
- C. What level of certification is the operator-in-charge required to have to operate the wastewater treatment facility?
Level Required: IV
- D. What is the level of certification of the operator-in-charge?
Level Certified: IV
- E. Was the operator-in-charge of the report year certified at least at the grade level required in order to operate this plant?
√ Check one box. ☒ Yes = 0 points ☐ No = 50 points
Write 0 or 50 in the E point total box 0 E Point Total
- F. Has the operator-in-charge maintained recertification requirements during the reporting year?
√ Check one box. ☒ Yes ☐ No
- G. How many hours of continuing education has the operator-in-charge completed over the last two calendar years?
√ Check one box. ☒ > 12 hours = 0 points ☐ < 12 hours = 50 points
Write 0 or 50 in the G point total box 0 G Point Total
- H. Is there a written policy regarding continuing education an training for wastewater treatment plant employees?
√ Check one box. ☒ Yes ☐ No
Explain: Training is outlined in the Department BMP, Plant Emergency Procedures, Plant O&M Manual, and the Safety Manual.
- I. What percentage of the continuing education expenses of the operator-in-charge were paid for:
By the permittee? 100% By the operator? 0%
- J. Add together the E and G point vaules and place the sum in the box below at the right.

TOTAL POINT VALUE FOR PART 7: 0 (max = 100)

Also enter this value or 100, whichever is less, on the point calculation table on page 16.

Permit #:

LA0073539

PART 8. FINANCIAL STATUS

- A. Are User-Charge Revenues sufficient to cover operation and maintenance expenses?

✓ Check one box.



Yes



No

If No, How are O&M costs financed?

At present time the User-Charge Revenues are sufficient to cover operation and maintenance expenses.

- B. What financial resources do you have available to pay for your wastewater improvements and reconstruction needs?

User fees and sewer collection fees.

Permit #:

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PART 9: SUBJECTIVE EVALUATION**A. Collection System Maintenance**

- i. Describe what sewer system maintenance work has been done in the last year.

Clean and camera lines.

- ii. Describe what lift station work has been done in the last year.

Pulled all pumps, inspected wet wells, control panels and all valves concerning lift stations.

- iii. What collection system improvements does the community have under construction for the next 5 years?

Upgrading lift stations. Point Repairs.

B. If you have ponds please answer the following questions:

✓ Check one box.

- | | | |
|---|------------------------------|-----------------------------|
| i. Do you have duckweed buildup in the ponds? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| ii. Do you mow the dikes regularly (at least monthly), to the waters edge? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| iii. Do you have bushes or trees growing on the dikes or in the ponds? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| iv. Do you have excess sludge buildup (> 1foot) on the bottom of any of your ponds? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| v. Do you exercise all of your valves? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| vi. Are your control manholes in good structural shape? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| vii. Do you maintain at least 3 feet of freeboard in all of your ponds? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| viii. Do you visit your pond system at least weekly? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Permit #:

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C. Treatment Plants

- i. Have the influent and effluent flow meters been calibrated in the last year?

☒ Yes ☐ No (✓ Check one box.)

8-18-2009

8-18-2009

*Influent flow meter calibration date(s)**Effluent flow meter calibration date(s)*

- ii. What problems, if any, have been experienced over the last year that have threatened treatment?

None

- iii. Is your community presently involved in formal planning for treatment facility upgrade?

✓ Check one box.

☐ Yes☒ No*If Yes, Please describe:*

Permit #:

LA0073539

D. Preventive Maintenance

- i. Does your plant have a written plan for preventive maintenance on major equipment items?

√ Check one box.



Yes



No

If Yes, Please describe:

The Department's BMP as well as the manufactures manuals detailing PM and the Plant O&M Manual.

- ii. Does this preventive maintenance program depict frequency of intervals, types of lubrication and other preventive maintenance tasks necessary for each piece of equipment?



Yes



No

- iii. Are these preventive maintenance tasks, as well as equipment problems, being recorded and filed so future maintenance problems can be assured properly?



Yes



No

E. Sewer Use Ordinance

- i. Does your community have a sewer use ordinance that limits or prohibits the discharge of excessive conventional pollutants (BOD, TSS or pH) or toxic substances to the sewer system from industries, commercial users and residences?

√ Check one box.



Yes



No

If Yes, Please describe:

Ordinance 85-8-8 imposes BOD, TSS, pH, Oil and Grease, COD, and Metals limits on discharges. All limits correspond to average domestic strength domestic waste.

- ii. Has it been necessary to enforce?

√ Check one box.



Yes



No

If Yes, Please describe:

We require all comercial and industrial users to abide by these limits.

- iii. Any additional comments about your treatment plant or collection system? (Attach additional sheets if necessary.)

Permit #:

LA0073539

POINT CALCULATION TABLE

	Actual Values	Maximum
Part 1: <i>Influent Flow/Loadings</i>	65	80 points
Part 2: <i>Effluent Quality / Plant Performance</i>	0	100 points
Part 3: <i>Age of WWTF</i>	22.5	50 points
Part 4: <i>Overflows and Bypasses</i>	100	100 points
Part 5: <i>Ultimate Disposition of Sludge</i>	0	100 points
Part 6: <i>New Development</i>	0	30 points
Part 7: <i>Operator Certification Training</i>	0	100 points

TOTAL POINTS:

187.5



V.J. ST. PIERRE, JR.
PARISH PRESIDENT

SAM SCHOLLE
DIRECTOR

ST. CHARLES PARISH

DEPARTMENT OF WASTEWATER

P.O. BOX 705 • LULING, LOUISIANA 70070
(985) 783-5100 • (985) 783-5102 • Fax: (985) 785-6503
Website: www.stcharlesgov.net

MEMORANDUM



Date: December 30, 2009

To: Ms. Barbara Jacob-Tucker
Council Secretary

From: Angela Troxler *At*
Laboratory Coordinator

RE: 2009 Destrehan WWTP MWPP Audit Report – Resolution

Please see the attached copy of the resolution for the above referenced subject.
Please have these ready for the January 25, 2010 meeting.

The MWPP Audit Reports are now due one year from the permit issue date;
therefore, each facility will be completed in a different time frame.

I am enclosing a copy of the report for anyone wishing to review it in its entirety.

If you have any questions, please contact me.

cc: V.J. St. Pierre, Parish President
Rusty Walker, Chief Operating Officer
Sam Scholle, Director of Public Works/Wastewater
Sammy J. Accardo, Assistant Director of Wastewater

2010-0029

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(GRANTS OFFICE)**

RESOLUTION NO. _____

A resolution to approve and authorize the execution of a contract with the Louisiana Division of Administration for the FY 2009 - 2010 Local Government Assistance Program for funding in the amount of \$151,831.00 for the construction of an essential government building for the Department of Motor Vehicles.

WHEREAS, St. Charles Parish submitted an application for funding to construct a Driver's License Bureau on Parish owned property across from the Parish Courthouse; and,

WHEREAS, on September 21, 2009, the St. Charles Parish Council adopted Resolution No. 5675 in support of said application; and,

WHEREAS, the Parish was notified by way of a letter from the Governor dated December 3, 2009, that the Parish's application for the construction of a Driver's License Bureau was approved for funding in the amount of \$151,831.00; and,

WHEREAS, the State has prepared an Agreement to provide funding for said project and it is the desire of the Parish Council to approve said Agreement.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL AND THE PARISH PRESIDENT, do hereby approve and authorize the execution of an Agreement between the State of Louisiana Division of Administration and St. Charles Parish for the funding of the construction of the Driver's License Bureau.

BE IT FURTHER RESOLVED that the Parish President is hereby authorized to execute said Agreement and to act on behalf of St. Charles Parish in all matters pertaining to this project.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

And the resolution was declared adopted this _____ day of _____, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED : _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

CONTRACT BY AND BETWEEN
THE DIVISION OF ADMINISTRATION

AND

THE ST. CHARLES PARISH GOVERNMENT

UNITED STATES OF AMERICA

STATE OF LOUISIANA

SOURCE OF FUNDING - FY 2009 -2010

State Appropriated Funds

TYPE OF CONTRACT - FY 2009 - 2010 LGAP

FEDERAL EMPLOYER I.D. #72-6001208

AMOUNT OF CONTRACT - \$ 151,831.00

LGAP Format #1 (revised, 2009)

LGAP File # 0910-STC-0001

THIS AGREEMENT, is made and entered into as of this _____ day of _____, 2010 by and between the Division of Administration, hereinafter called "Division" represented by Carol M. Newton, Office of Community Development and the St. Charles Parish Government, hereinafter called "Contractor" represented by V. J. St. Pierre, Jr., President.

1. CONTRACT WITH CONTRACTOR: The Division hereby agrees to contract with the Contractor and the Contractor hereby agrees to perform the services under this agreement in accordance with LGAP/Division/applicable regulations to the establishing of programs and activities. All exhibits or regulations referred to in this contract or attached hereto are by reference made part of this contract.

2. DURATION OF CONTRACT: This contract shall be for a period commencing on the date entered above and ending not more than three years later.

3. RECORDS, REPORTS, AND EVALUATIONS: The Contractor agrees to prepare, retain, report and allow Division inspection for purposes of evaluation, records as may be required by the Division for program management purposes.

Upon completion of this contract, or if terminated earlier, all records, reports, worksheets or any other materials related to this contract shall become the property of the Division. All such books, records and other documents shall be available at the offices of the Contractor (except that books, records, and other documents of a Participating Party may be maintained at the offices of such Participating Party) for inspection, copying, audit and examination at all reasonable times by any duly authorized representative of the State, including the Legislative Auditor. Any duly authorized representative of the State shall, at all reasonable times, have access to all portions of the Project.

The rights of access and inspection provided in this paragraph shall continue until completion of all close-out procedures respecting this contract and until the final settlement and conclusion of all issues arising out of this contract. The records shall be kept for a minimum of three years from the date of final close-out.

4. AUDITS and/or FINANCIAL REPORTS: State requirements mandate that local governments and Parish Police Juries must still submit financial statements in compliance with financial and compliance audit requirements established by R.S. 24:513 through 514.

Failure to comply with all financial report requirements may cause loss of participation in this program and reimbursement of contract funds.

5. CHANGES: The Division may, from time to time, request changes in the scope of services of the Contractor to be performed hereunder. Such changes, including an increase or decrease in the amount of the Contractor's allocation, must be incorporated as written amendments to this contract. These changes may include the waiver of certain rules and regulations where the Division deems it appropriate.

6. TERMINATION OR SUSPENSION FOR CAUSE OR CONVENIENCE: The Division may, after giving thirty (30) days written notice terminate this contract and payment in whole or part for convenience or cause. Cause shall include but not be limited to:

- (1) failure, for any reason, of the Contractor to fulfill in a timely and proper manner its obligations under this contract, including compliance with approved programs and attached conditions, exhibits, and such statutes and Executive Orders as may become generally applicable at any time;
- (2) submission by the Contractor to the Division or its Auditors, of reports that are incorrect or incomplete in any material respect;
- (3) ineffective or improper use of funds provided under this contract;
- (4) suspension or termination of the program from the State Legislature to the Division, under which this contract is made, or the portion thereof delegated by this contract.

The Division, where appropriate, may suspend the contract or payment from time to time in lieu of termination based on reasons indicated above. There may be a suspension of payment when a term of the contract has not been resolved by the next payment request.

The Division may also assign and transfer this contract when required.

If the Contractor is unable or unwilling to comply with such additional conditions as may be lawfully applied to the grant received from the Division, the Contractor shall terminate the contract by giving reasonable written notice to the Division, signifying the effective date thereof. In the event of any termination, or suspension, all property and finished or unfinished documents, data, studies, and reports purchased or prepared by the Contractor under this contract shall become the property of the Division. The Contractor shall be entitled to compensation for any unreimbursed expenses reasonably and necessarily incurred in satisfactory performance of the contract. Notwithstanding the above, the

Contractor shall not be relieved of liability to the Division for damages sustained by the Division by virtue of any breach of the contract by the Contractor and the Division may withhold any reimbursement to the Contractor for the purposes of setoff until such time as the exact amount of damages due the Division from the Contractor is agreed upon or otherwise determined. The Division may authorize the Contractor to continue with its own funds for the project until a question is resolved with the understanding that a satisfactory resolution will cause the Division to reimburse funds.

7. PROHIBITION AGAINST ASSIGNMENT: Contractor shall not assign any interest in this agreement, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the Division thereto, provided however, that claims for money due or to become due to the Contractor from the Division under this agreement may be assigned to a bank, trust company or other financial institution without such prior written consent. Notice of any such assignment or transfer shall be furnished promptly to the Division.

8. LEGAL AUTHORITY: The Contractor assures and guarantees that it possesses the legal authority, pursuant to any proper, appropriate and official motion, resolution or action passed or taken, giving the Contractor legal authority to enter into this agreement, receive funds, authorized by this agreement and to perform the services the Contractor has obligated itself to perform under this agreement.

9. COMPLIANCE WITH FEDERAL, STATE AND LOCAL GUIDELINES: The Contractor hereby binds itself, certifies, and gives its assurance that it will comply with all applicable federal and State regulations, policies, guidelines and requirements, as they relate to the application, acceptance and use of state resources for the State assisted project.

The Contractor further agrees to comply with applicable laws, ordinances, and codes of the State federal, and local governments, including the State Ethics Law, Act 17 of 1996, Section 15C (which sets criteria for transfer of state appropriated funds), State Bid Laws, Local Government Assurances listed in the grant application(s), and all policies and guidelines of the LGAP program as established by the Office of Community Development.

The Contractor has obtained, or has reasonable assurances that it will obtain, all federal, State and local government approvals and reviews required by law to be obtained by the Contractor for the Project; and all Participating Parties have obtained, or the Contractor has reasonable assurances that such Participating Parties will obtain, all such approvals and reviews required by law to be obtained by the Participating Parties for the Project.

Contractor hereby agrees that the responsibility for payment of taxes from the funds thus received under this agreement and/or legislative appropriation shall be said Contractor's obligation and identified under tax identification number 72-6001208.

10. NONDISCRIMINATION: Contractor assures that it is in compliance with all applicable State Civil Rights Legislation and Executive Orders.

11. COMPLIANCE WITH APPROVED PROGRAM: All activities authorized by this agreement will be performed in accordance with the approved work program as described in the grant application(s), (including any amendments which have occurred), Exhibits A, B, and C, the grant conditions and relevant LGAP directives. If any activities authorized by this agreement are not performed in accordance with any part of this agreement or if unauthorized activities are performed, the DOA LGAP Representative may require that any or all grant funds paid-out to Contractor be returned to the Division. Dollar amounts expended for each activity may not exceed those specified in Exhibit B. The release of funds for this contract is conditioned upon approval of the contract conditions listed in Exhibit A.

12. COVENANT AGAINST CONTINGENT FEES AND CONFLICT OF INTEREST: The Contractor warrants that no person or selling agency or other organization has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warrant the Division shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee, or to seek such other remedies as legally may be available.

No member, officer, or employee of the Contractor, or its designees, or agents, no consultant, no member of the governing body of the Contractor or the locality in which the program is situated, and no other public official of the Contractor or such locality or localities, who exercises or has exercised any functions or responsibilities with respect to the project during his or her tenure, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the Project or in any activity or benefit, which is part of this Project.

However, upon written request of the Contractor, the State may agree in writing to waive a conflict otherwise prohibited by this provision whenever there has been full public disclosure of the conflict of interest, and the State determines that undue hardship will result either to the Contractor or the person affected by applying the prohibition and that the granting of a waiver is in the public interest. No such request for waiver shall be made by Contractor which would, in any way, permit a violation of State or local law or any charter provision of the Contractor.

13. SCHEDULE OF PAYMENT: In consideration of the various obligations undertaken by the Contractor pursuant to this contract, and in consideration of the obligations to be undertaken by Participating Parties, as represented by the Contractor in the Application, the State agrees, subject to the terms and conditions set forth herein, to provide the Contractor with contract funds in the amount of \$151,831.00.

14. FISCAL FUNDING: The continuation of this contract is contingent upon the appropriation of funds to fulfill the requirements of the contract by the legislature. If the legislature fails to appropriate sufficient monies to provide for the continuation of the contract, or if such appropriation is reduced by the veto of the Governor or by any means provided in the appropriations act to prevent the total appropriation for the year from exceeding revenues for that year, or for any other lawful purpose, and the effect of such reduction is to provide insufficient monies for the continuation of the contract, the contract shall terminate on the date of the beginning of the first fiscal year for which funds are not appropriated.

15. REMEDIES FOR DEFAULT: Any claim or controversy arising out of this contract shall be resolved by the provisions of R.S. 39:1524 through 1525.

Incurring Costs for Project Activities

The use of grant funds is conditioned upon the Contractor incurring costs in accordance with this contract or as otherwise approved by the State in writing. The incurring of costs to be paid out of contract funds shall be governed by the following:

(1) No costs to be paid out of contract funds may be incurred by the Contractor or any Participating Party until the following conditions are met: (a) a written approval by the State is received of required documentation as specified in Paragraph 11 and Exhibit A of this contract, if any, and (b) written authorization from the State is received to draw funds.

(2) After the Contractor has satisfied all of the contract conditions specified in Paragraph 11 and Exhibit A and the State has transmitted a fully executed contract and released funds for the project activities, the Contractor and the Participating Parties may incur any and all eligible costs to be paid out of grant funds.

(3) If the Contractor's grant application(s) included other funds for the purpose of receiving rating points, include a firm letter of commitment with Exhibit A.

(4) All work under the terms of this contract must have been completed by midnight of that day occurring two years from the date of this contract. Any work taking place more than two years after the date of this contract will not be paid for out of the LGAP funds awarded in this contract unless this

contract has been amended with the approval of the Division of Administration. All lien contingencies must be liquidated ninety (90) days from contract termination date.

Procedures for Requisitioning Payments

There will be only one requisition per month allowed for all grants.

Unobligated funds remaining at the completion of the contract period specified on page 1, paragraph 2 of this contract shall revert to the State for reuse for other eligible projects.

IN WITNESS THEREOF, the parties hereto have executed this agreement this _____ day of _____, 2010.

WITNESSES:

DIVISION OF ADMINISTRATION

OFFICE OF COMMUNITY DEVELOPMENT

CAROL M. NEWTON, DIRECTOR,
Local Government Assistance Program

WITNESSES:

CHIEF ELECTED OFFICIAL

Exhibit A

GENERAL INFORMATION, CONTRACT CONDITIONS

GENERAL INFORMATION

1.	LGAP CONTRACT AMOUNT	2.	OTHER FUNDS AMOUNT
	\$151,831.00		\$43,169.00

3. MAILING ADDRESS OF CONTRACTOR

St. Charles Parish Government
P. O. Box 302
Hahnville, La 70057

4.	CONTRACTOR AUTHORIZED REPRESENTATIVE	5.	PHONE
	V. J. St. Pierre, Jr.		985-783-5000

6. CONTRACT CONDITIONS

Funds will not be released until the following items have been submitted to and approved in accordance with Program requirements by the State's Office of Community Development.

1. Revisions to the application, if requested by the Office of Community Development.
2. Firm commitments for other project funds, if applicable.
3. Any other documentation, if requested.

Exhibit B

LGAP Line Item Budget

[illegible]

EXHIBIT C

General Definitions

Unless specifically provided otherwise or the context otherwise requires, when used in this contract:

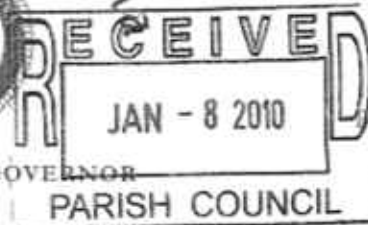
1. "Application" means the Application for LGAP Assistance.
2. "Contract Funds" means those funds to be provided by the State to Contractors pursuant to the terms of this contract, as specified in Exhibit A.
3. "Contractor" means the local government entity receiving contract funds pursuant to this contract, as more particularly identified on the cover page of this contract.
4. "Contractor Activities" means those activities of the Project to be carried out by the Contractor, or an agent or agency of the Contractor, which activities are described in Exhibit A of this contract.
5. "Eligible Costs" means costs for the activities specified and for which grant funds are budgeted as specified in Exhibit A of this contract, provided that such costs are not incurred in connection with any activity which may be from time to time amended, are ineligible under the LGAP Program.
6. "Final Approval Date" – The date that the contract is fully executed, all conditions listed in Exhibit A has been satisfied and the State has issued an authorization to the Contractor to proceed with the project activities.
7. "Incurred Costs" – Any monies expended on allowable expenditures relating to the application and/or contract.
8. "LGAP Program" means the Local Government Assistance Program, established by the State pursuant to House Bill 2 – Act 27 of the 2006 Regular Legislative Session and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950.
9. "LGAP Regulations" means the regulations set forth in the Louisiana Administrative Code, Title 4, Part VII, Chapter 23, as the same may, from time to time, be amended and the regulations described in the LGAP Application Package.
10. "Project" means the activities described in the Application and in Exhibits A and B of this contract which are to be carried out to meet the objectives of the LGAP Program.
11. "State" means the State of Louisiana or any official of the State to whom the State has delegated authority to act with respect to matters covered by this Contract Agreement.
12. "Unobligated Funds" means all funds for which no liability exists at the expiration of the contract.

BOBBY JINDAL
GOVERNOR

State of Louisiana



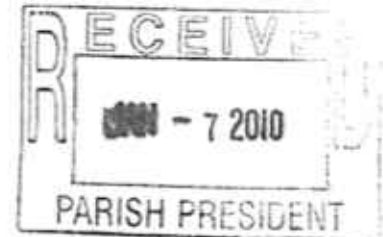
OFFICE OF THE GOVERNOR



Post Office Box 94004
Baton Rouge, LA 70804-9004

December 3, 2009

The Honorable V. J. St. Pierre, Jr.
President, St. Charles Parish Government
P. O. Box 302
Hahnville, Louisiana 70057



Dear Mr. St. Pierre:

I am happy to inform you that I have approved the FY '09-'10 Louisiana Local Government Assistance Program's (LGAP) application for the St. Charles Parish Government in the amount of \$151,831.00. These funds will be used to construct a building for the Driver's License Bureau.

The Parish will be authorized to expend funds when the contract has been countersigned by our office. Enclosed is the contract for your review and signature only. The contract will be dated by this office once fully executed. Please return the signed contract promptly to the Office of Community Development, P.O. Box 94095, Baton Rouge, La, 70804-9095.

If you have any questions relative to the LGAP requirements, please do not hesitate to call my office or the Office of Community Development at (225) 342-7412.

Congratulations, and I wish you every success in implementing your project.

Sincerely,

Bobby Jindal

BJ:cn

c: The Honorable Joel Chaisson II, State Senator
The Honorable Gary L. Smith, Jr., State Representative
Ms. Angele Davis, Commissioner of Administration
Ms. Carol M. Newton, Director, LGAP

2010-0030

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(GRANTS OFFICE)**

RESOLUTION NO. _____

A resolution approving and authorizing the Parish President to submit a grant application for the Keep Louisiana Beautiful 2010 Community Grant Program.

WHEREAS, Keep Louisiana Beautiful is accepting grant applications for the 2010 Community Grant Program; and,

WHEREAS, St. Charles Parish is applying for grant funding in the amount of \$10,000.00 to supplement the cost of the 2010 Trash Bash event being held on March 27, 2010; and,

WHEREAS, the grantor requires the applicant to certify by resolution the approval of the application for grant funding.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby approve and authorize the Parish President to submit an application for the 2010 Community Grant Program and to execute any and all necessary documents.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

And the resolution was declared adopted this _____ day of _____, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED : _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

2010-0031

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(GRANTS OFFICE)**

RESOLUTION NO. _____

A resolution adopting the St. Charles Parish Community Development Block Grant (CDBG) – Disaster Recovery Procurement Policy as required in the utilization of CDBG – Disaster Recovery funding allocated to the Parish.

WHEREAS, participation in the CDBG - Disaster Recovery Program requires St. Charles Parish to adopt a policy by which the supplies, equipment, construction services, and professional services required in the implementation of CDBG - Disaster Recovery Programs for the Parish are procured; and,

WHEREAS, this policy must conform to all state and federal guidelines for approval by the State.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, that the St. Charles Parish CDBG - Disaster Recovery Procurement Policy, attached hereto and made a part hereof, is hereby officially adopted for use in the procurement of all goods and services required in the implementation of CDBG - Disaster Recovery Programs.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

And the resolution was declared adopted this _____ day of _____, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED : _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

ST. CHARLES PARISH
Community Development Block Grant (CDBG) Program -
Disaster Recovery Funding

Procurement Policy

These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services, and professional services for CDBG-Disaster Recovery Programs. These guidelines meet the standards established in 24 C.P.R. 85.36 and State requirements.

CODE OF CONDUCT

No employee, officer, or agent of St. Charles Parish shall participate in the selection or in the award or administration of a contract supported by CDBG-Disaster Recovery funds if a conflict of interest, real or apparent, would be involved. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for award.

No officer, employee or agent of the Parish shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Any alleged violations of these standards of conduct shall be referred to the Parish Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

PROCUREMENT PROCEDURES

The director or supervisor of each department or agency of the Parish responsible for procurement of services, supplies, equipment, or construction obtained with CDBG-Disaster Recovery funds shall review all proposed procurement actions to avoid the purchase of unnecessary or duplicative items. Such reviews shall consider consolidation or breaking out to obtain a more economical purchase. When determined appropriate by the Director or Supervisor, an analysis to determine which approach would be the most economical shall be undertaken.

The Parish shall take affirmative steps to assure that small and minority firms, women's business enterprises, and labor surplus firms are solicited whenever they are potential

qualified sources. The Parish shall also consider the feasibility of dividing total requirements into smaller tasks or quantities so as to permit maximum participation by small and minority firms, women's business enterprises and labor surplus firms. Where permitted by regulations, delivery schedules will be developed which will include participation by such businesses.

The Parish shall assist the prime contractor whenever possible by providing copies of lists which identify qualified small and minority firms, women's business enterprises, and labor surplus area firms.

SELECTION PROCEDURES

ALL procurement carried out with CDBG-Disaster Recovery funds, where St. Charles Parish is a direct party, shall be carried out in a manner that provides maximum free and open competition. Procurement procedures will not restrict or eliminate competition. The Parish shall not place unreasonable requirements on firms in order for them to qualify to do business. Nor will the Parish encourage or participate in noncompetitive practices among firms. The Parish is alert to organizational conflicts which would jeopardize the negotiation process and limit competition. The Parish will not require unnecessary experience or bonding requirements.

Pursuant to State law, all solicitations of offers shall incorporate a clear accurate description of the technical requirements for the material, service, or product to be procured. In competitive procurements, these descriptions shall not contain features which unduly limit competition. The description may include a statement of the qualitative nature of the material, product, or service and the minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications shall be avoided whenever possible. A "brand name or equal" description may be used to define the performance or other salient requirements of a procurement. The specific features of the named brand which must be met by offerers shall be clearly stated.

All solicitations of offers shall clearly set forth all requirements which offerers must fulfill and all other factors to be used in evaluating bids, proposals, or statements of qualifications.

Contracts shall be awarded only to responsible contractors/firms that possess the potential ability to perform successfully under the terms and conditions of the proposed procurement.

Consideration shall be given to such factors as the contractor's/firm's capacity, integrity, compliance with public policy, record of past performance, and financial and technical resources.

METHODS OF PROCUREMENT

Direct procurement by St. Charles Parish shall be made by using one of the following methods depending on the type of service to be procured.

Small Purchase Procedures. Relatively simple, informal procurement procedures will be used where the purchase of materials, supplies, equipment, and/or other property will not cost in the aggregate more than \$20,000, and for construction with a cost of less than \$100,000, except where further limited by State law or CDBG-Disaster Recovery policy. The small purchase procedure can also be utilized to procure administrative consulting and other professional services costing less than \$100,000. The only exception to professional services is for architectural/engineering services that must be procured through competitive negotiation. The procurement officer must obtain a minimum of three oral or written price or rate quotations from qualified sources. Documentation on all quotations received (whether oral or written) shall be made a part of the file.

Competitive Sealed Bids/Formal Advertising. Under this procedure bids are publicly advertised in accordance with the State's Public Bid Law. A firm fixed price contract (either lump sum or unit price) shall be awarded to the responsible bidder whose bid is lowest in price and that conforms to all the material terms and conditions of the advertisement for bids.

Competitive sealed bids can be used ONLY when the following criteria are met: (1) there are complete, adequate, and realistic specifications or purchase descriptions; (2) there are two or more responsible bidders who are willing and able to compete effectively; (3) the procurement can be made on a firm fixed-price contract and selection of the successful bidder can appropriately be made principally on the basis of price.

1. The advertisement for bids, including the specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the advertisement.
2. All bids shall be opened publicly at the time and place specified in the advertisement for bids.
3. A firm fixed-price contract award shall be made by written notice to the lowest responsible bidder whose bid conforms to the advertisement for bids. Where specified in the bid documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts shall only be used to determine low bid when prior experience indicates that such discounts are generally taken.
4. Notwithstanding the above, any or all bids may be rejected when there are sound

documented business reasons in the best interest of the CDBG-Disaster Recovery Program.

Competitive Negotiation: Requests for Proposals/Qualification Statements. This method may be used when formal advertising is not appropriate. Architectural and engineering services must be procured via requests for qualification statements; administrative consulting services must be procured via requests for proposals. Other professional services may also be procured by requests for proposals. The following procedures will be used for competitive negotiation:

1. Requests for proposals or qualification statements must be advertised in a newspaper in the nearest metropolitan area in accordance with the rules of the State's CDBG-Disaster Recovery Program. All submittals will be honored and entered into the competition.
2. The package for proposals or qualification statements shall identify all significant evaluation factors or selection criteria, including the corresponding point system that will be used to rate the proposals/qualification statements.
3. The selecting official (or committee, if one is designated) shall review all proposals and statements received and make a technical evaluation of each. This shall also include a written statement that identifies the basis upon which the selection was made.
4. Contract award will be made to the responsible offerer whose submission is deemed most appropriate to St. Charles Parish with consideration for price, qualifications, and other factors set by the local governing body. Unsuccessful offerers shall be notified in writing within ten (10) working days of contract award. Documentation of notification shall be maintained in the contract selection file for the individual project.
5. Following the review of the qualification statements received, the most qualified competitor will be selected to enter into contract negotiation. This shall always include negotiation of price to insure cost reasonableness. At the conclusion of successful negotiation, the competitor shall be invited to enter into a contract.

Noncompetitive Negotiation/Sole Source. Noncompetitive negotiation shall be used when small purchase, formal advertising, or competitive negotiation procedures are not feasible. Noncompetitive negotiation will involve solicitations of a proposal from only one source. This can also occur if solicitations under the competitive negotiation procedures result in only one proposal or qualification statement. Noncompetitive negotiation shall only be used when written authorization has been obtained from the State's Office of Community Development, with the one exception noted. In order to qualify for this type of

procurement, one of the following circumstances must apply:

1. The item or service is available only from a single source;
2. It is determined that a public urgency or emergency exists and the urgency will not permit the delay beyond the time needed to employ one of the other three methods of procurement.
3. After solicitation of a number of sources, competition is determined to be inadequate.

The one exception to this method is that the non-competitive negotiation method may be used, without written authorization from the State, when an area wide planning agency or regional planning and development district is utilized for administrative consulting services.

CONTRACT PRICING

Cost plus percentage of cost and percentage of construction cost methods of contracting MUST NOT be used. St. Charles Parish shall perform cost or pricing analysis in connection with EVERY procurement action including contract modifications. Costs or prices based on estimated costs for CDBG-Disaster Recovery projects shall be allowed only to the extent that the costs incurred or the cost estimates included in negotiated prices are consistent with federal cost principals. Cost reimbursement, fixed price, per diem contracts, or a combination thereof may be utilized as appropriate.

A cost reimbursement type contract is most appropriate when the scope and extent of the work to be performed are not clearly defined. A cost reimbursement contract MUST clearly establish a cost ceiling which may not be exceeded without formally amending the contract, and must identify a fixed dollar profit that may not be increased unless there is a contract amendment that increases the scope of the work.

A fixed price contract is appropriate when the scope of work is very well defined and product oriented. A fixed price contract MUST establish a guaranteed price that may not increase unless there is a contract amendment that increases the scope of the work.

A per diem contract expected to exceed \$10,000 will not be considered unless the Parish has determined that a cost reimbursable or fixed price contract is not appropriate. Cost and profit included in the per diem rate MUST be specifically negotiated and shown separately in the proposal. The contract must clearly establish a ceiling price that may not be exceeded without formally amending the contract.

The Parish may use a multiplier type of compensation under either the cost reimbursement or fixed price contract. The multiplier and the portions of the multiplier applicable to

overhead and profit must be specifically negotiated and separately identified in the contract.

PROCUREMENT RECORDS

St. Charles Parish shall maintain records sufficient to detail the history of the procurement. The records shall include the following contract provisions and conditions:

1. Contracts other than small purchase shall contain provisions that allow for administrative, contractual, or legal remedies if contractors violate or breach contract terms, and provide for sanctions and penalties as appropriate.
2. All contracts in excess of \$10,000 shall provide for termination for cause and for convenience by the Parish including the manner in which it will be done and the basis for settlement.
3. All construction contracts and subcontracts in excess of \$10,000 shall include provisions which require compliance with Executive Order 11246, Equal Employment Opportunity, as amended by Executive Order 11375, and as supplemented in DOL regulations (41 CFR Part 60).
4. All contracts and subcontracts for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick-Back" Act (18 USC 874) as supplemented by DOL regulations (29 CFR Part 3).
5. All contracts or subcontracts in excess of \$2,000 for construction or repair shall include a provision for compliance with the Davis-Bacon Act (40 USC 276a to a-7) as supplemented by DOL regulations (29 CFR Part 5).
6. All construction or repair contracts or subcontracts in excess of \$2,000, and in excess of \$2,500 for other contracts which involve the employment of mechanics or laborers, shall include a provision for compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 USC 327-330) as supplemented by DOL regulations (29 CFR Part 5).
7. Each contract shall include a notice of State requirements and regulations pertaining to reporting and patent rights under any contract involving respect to any discovery or invention which arises or is developed in the course of or under such contract, and of the State requirements pertaining to copyrights and rights in data.
8. All negotiated contracts shall include a provision that makes it possible for the State, HUD, the Comptroller General of the United States, or any of their duly authorized representatives, to have access to any books, documents, papers, or records of the

contractor/firm that are directly pertinent to the contract, for the purpose of making audit examination excerpts and transcriptions. Further, the contract must include a provision that all required records will be maintained by the contractor/firm for a period of five years after St. Charles Parish formally closes out each CDBG-Disaster Recovery Program.

9. All contracts, subcontracts, and sub grants in amounts in excess of \$100,000 shall contain a provision which requires compliance with the requirements of Section 306 of the Clean Air Act (42 USC 1857 h), Section 508 of the Clean Water Act (33 USC 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15).
10. Contracts shall recognize mandatory standards and policies relating to energy efficiency that are contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act (P.L. 94-163).
11. The Parish will be permitted to require changes, remedies, changed conditions, access and record retention, and suspension of work clauses approved by the State.

CONTRACT ADMINISTRATION

St. Charles Parish shall maintain contract administration systems that insure contractors/firms perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. The accepted performance of contractors/ firms will be a factor in subsequent contract negotiations and award. Remedial action by the Parish through legal processes shall be considered in instances of identified significant nonperformance.

2010-0032

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(GRANTS OFFICE)**

RESOLUTION NO. _____

A resolution adopting the St. Charles Parish Section 3 Plan for implementation in all Community Development Block Grant – Disaster Recovery Programs.

WHEREAS, St. Charles Parish has been afforded the opportunity to participate in the State of Louisiana Community Development Block Grant (CDBG) — Disaster Recovery Program administered by the LA Division of Administration, Office of Community Development, Disaster Recovery Unit; and,

WHEREAS, the State requires the Parish, as a recipient of CDBG - Disaster Recovery funding, to provide opportunities for training and employment to lower income residents of the Parish to the greatest extent feasible; and,

WHEREAS, to the greatest extent feasible, contracts for work in connection with all projects funded by the CDBG Disaster Recovery monies are to be awarded to eligible business concerns which are located in, or owned in substantial part, by persons residing in the Parish in compliance with Section 3 of the Housing and Urban Development Act of 1968, as amended.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, that the St. Charles Parish Section 3 Plan, attached hereto and made a part hereof, be hereby officially adopted for implementation in all CDBG - Disaster Recovery Programs.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

And the resolution was declared adopted this _____ day of _____, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED : _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

**ST. CHARLES PARISH
CDBG-Disaster Recovery Program**

SECTION 3 PLAN

St. Charles Parish agrees to implement the following specific affirmative action steps directed at increasing the utilization of lower income residents and businesses within the Parish of St. Charles, Louisiana.

- A. To ascertain from the Parish's CDBG-Disaster Recovery Program official the exact boundaries of the Section 3 covered project area and where advantageous, seek the assistance of local officials in preparing and implementing the affirmative action plan.
- B. To attempt to recruit from within St. Charles Parish the necessary number of lower income residents through: local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan, or the U. S .Employment Service.
- C. To maintain a list of all lower income residents who have applied either on their own or on referral from any source, and to employ such persons, if otherwise eligible and if a vacancy exists.
- D. To insert this Section 3 Plan in all bid documents and to require all bidders on subcontracts to submit a Section 3 Plan including utilization goals and the specific steps planned to accomplish these goals.
- E. To ensure that subcontracts, which are typically let on a negotiated rather than a bid basis, in areas other than Section 3 covered project areas, are also let on a negotiated basis whenever feasible, if let in a Section 3 covered project area.
- F. To formally contact unions, subcontractors, and trade associations to secure their cooperation for this program.
- G. To ensure that all appropriate project area business concerns are notified of pending sub contractual opportunities.
- H. To maintain records, including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.
- I. To appoint Ms. Holly Fonseca, St. Charles Parish Grants Officer, to function as the Equal Opportunity Officer in the implementation of St. Charles Parish CDBG-Disaster Recovery Programs and to coordinate the implementation of this Section 3 Plan.

- J. To maintain Table A in the office of the Equal Opportunity Officer, which is attached hereto and made a part hereof, all information related to subcontracts to be awarded.
- K. To maintain Table B in the office of the Equal Opportunity Officer, which is attached hereto and made a part hereof, all projected workforce needs for all phases of the Program by occupation, trade, skill level, and number of positions.

As Parish President of St. Charles Parish, I have read and fully agree to this Section 3 Plan, and become a party to the full implementation of this program.

V. J. St. Pierre, Parish President
St. Charles Parish

Date

TABLE A

ST. CHARLES PARISH
CDBG Disaster Recovery Program

Proposed Subcontracts Breakdown

Column 1	Column 2	Column 3	Column 4	Column 5
Type of Contract [Business or Professional]	Total Number of Contract	Total Approximate Dollars	Estimated Number of Contracts	Estimated Dollar Amount to Project Area Businesses
Hunt, Guillot & Associates, LLC				
A/E Firm (To Be Hired)				
Construction Firm (To Be Hired)				

The project area is coextensive with the boundaries of St. Charles Parish, Louisiana

ST. CHARLES PARISH
CDBG--Disaster Recovery Program

Holly Fonseca, EEO Officer

Date

TABLE B

ST. CHARLES PARISH
CDBG--Disaster Recovery Program

Estimated Program Workforce Breakdown

Column 1	Column 2	Column 3	Column 4	Column 5
Job Category	Total Estimated Positions	Number of Positions Currently Occupied by Permanent Employees	Number of Positions Not Currently Occupied	Number of Positions to be Filled with LIPAR*
Officers/Supervisors				
Professionals				
Technicians				
Housing Sales/Rental Management				
Office/Clerical				
Service Workers				
Others				

Trade: _____

Journeyman				
Apprentices				
Maximum # of Trainees				
Others				

Trade: _____

Journeyman				
Apprentices				
Maximum # of Trainees				
Others				

*Lower Income Project Area Residents. Individuals residing with the Parish of St. Charles whose family income does not exceed 80% of the median income in the State.

2010-0040

INTRODUCED BY: CAROLYN K. SCHEXNAYDRE, COUNCILWOMAN-AT-LARGE, DIVISION A
RESOLUTION NO. _____

A resolution requesting the Parish President cease any
and all activity with Plan Review and Inspection, LLC
owned by Ray Davezac.

WHEREAS, it has been reported that Mr. Ray Davezac has been linked to a bribery
scheme involving former St. John the Baptist Parish President
Bill Hubbard; and,

WHEREAS, Mr. Bill Hubbard has since pleaded guilty to said bribery charges; and,

WHEREAS, as of this date the St. Charles Parish Council has not received any reports
from the St. Charles Parish Legal Department, which is supposedly
conducting a review, since September 2009 of contracts with Mr. Davezac
as they may relate to possible involvement with the Hubbard bribery case;
and,

WHEREAS, no explanation has been received by the Council from Plan Review and
Inspection, LLC or Mr. Ray Davezac denying any wrong doing or
involvement in the Hubbard bribery scheme; and,

WHEREAS, most of us as candidates, including the Parish President, campaigned in
the 2007 Election as having zero tolerance towards public corruption; and,

WHEREAS, it is time we back up our words and show the public tonight, that we truly
will not support or enter into contracts with companies or individuals
involved in Public Corruption.

**NOW THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE
ST. CHARLES PARISH COUNCIL,** do hereby respectfully request the Parish President
to cease any and all activity, now and in the future with Plan Review and Inspection,
LLC until such time, its owner Mr. Ray Davezac, provides in writing, proof that he had
no involvement with the Hubbard bribery scheme.

BE IT FURTHER RESOLVED, that the Parish President notify Mr. Ray Davezac of this
request giving Mr. Ray Davezac ten working days upon notice to respond to the Parish
President and full Parish Council of St. Charles Parish.

BE IT FURTHER RESOLVED, supporting a position of fairness that if Mr. Ray Davezac
can prove beyond any doubt of having committed or participated in any wrong doing
involving the Hubbard bribery scheme, the Parish President, with a supporting
resolution of the Parish Council shall reinstate the contract with Plan Review and
Inspection, LLC and Mr. Ray Davezac to its unexpired contract terms.

The foregoing resolution having been submitted to a vote, the vote thereon was
as follows:

And the resolution was declared adopted this _____ day of _____, 2010,
to become effective five (5) days after publication in the Official Journal.

Cease activity with Plan Review and Inspection

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

2009-0415

RESOLUTION NO. _____

A resolution appointing a member to the Zoning Board of Adjustment as the District II Representative.

WHEREAS, There exists a vacancy on the **ZONING BOARD OF ADJUSTMENT** due to the expiration of the term of Mr. Brian Noto on December 7, 2009; and,

WHEREAS, The Council is desirous of filling this vacancy; and,

NOW, THEREFORE, BE IT RESOLVED, that _____ be appointed to the **ZONING BOARD OF ADJUSTMENT** as the District II Representative; and,

BE IT FURTHER RESOLVED, that this appointment shall be effective as of **DECEMBER 7, 2009** and terminate **DECEMBER 7, 2013**.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

And the resolution was declared adopted this _____ day of _____, 2010, to become effective five (5) days after publication in the Official Journal.

APPOINT ZBA DIST. 2

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____